



# BRITISH ENACTMENTS

## In Force in Indian States

### VOLUME III

## States in Direct Relation with the Government of India

- |  |                                     |
|--|-------------------------------------|
| 1—Statutes in force  | 5—Orders relating to Courts         |
| 2—Acts of the Governor General in Council and of the Indian Legislature              | 6—Acts locally applied              |
| 3—Orders under Statutes  | 7—Local Laws                        |
| 4—Orders under Acts of the Governor General in Council and of the Indian Legislature | 8—Orders under Acts locally applied |
|  | 9—Orders under Local Laws           |

In Central India.

COMPILED BY

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# British Enactments in Force in Indian States, Volume III.

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## CENTRAL INDIA.

The Agent to the Governor General in Central India has, in addition to the Central India Agency, four other subordinate Political Agencies, entrusted with the immediate political charge of the States, Chiefships and Guaranteed Estates named in the list below<sup>1</sup>. In all these areas the Political authorities possess jurisdiction in criminal matters in respect of Europeans, British subjects, Americans and Government servants. In certain States and Chiefships they exercise further residuary jurisdiction which extends to the trial of all heinous offences by whomsoever committed. And in some Guaranteed Estates, where the suzerain Darbars have no civil and criminal jurisdiction, they also hear certain civil and criminal cases and appeals.

<i>Agency.</i>	<i>States, Chiefships and Estates.</i>
Central India Agency.	City of Indore. <sup>2</sup>
Baghelkhand Agency.	REWA. <sup>3</sup>
	<i>Sanad States.</i>
	<i>Maihar.</i> <sup>4</sup>
	Baraunda. <sup>5</sup>
	Jaso. <sup>5</sup>
	Kothi. <sup>5</sup>
	Nagod. <sup>5</sup>
	Schawal. <sup>5</sup>
	Kalinjar. <sup>5</sup>
	Chaubi Jagira, <sup>5</sup> <i>vis.</i> , Bhaisaunda Kamta Rajaula, Pahra, Paldeo, Taraon.

<sup>1</sup> Only jurisdictional States, Chiefships and Estates are mentioned in this list.

<sup>2</sup> The Pargana of Nadwai of the Indore State is under the Resident at Udaipur.

<sup>3</sup> Treaty States are printed in capitals. States whose powers were enhanced in 1921 are printed in italics.

<sup>4</sup> In 1921 Ruling Princes and Chiefs were empowered to dispose of trials of all classes of criminal offences committed within their States by their subjects or others. The enhanced powers do not apply to any criminal cases in which the persons accused or any of the accused are Europeans, European British subjects, Americans or Government servants. Persons sentenced to death, transportation or imprisonment for life are given facility to present the petition for mercy to the Agent to the Governor General in Central India and pending the consideration of such petitions executions of persons sentenced to death are to be stayed.

<sup>5</sup> The Political Agent exercises jurisdiction in heinous offences.



<i>Agency.</i>	<i>States, Chiefships and Estates.</i>
Bhopal Agency.	BHOPAL. <u>Mediatized States.</u> <i>Khilchipur.</i> <sup>1</sup> <i>Narsinghgarh.</i> <sup>2</sup> <i>Rajgarh.</i> <sup>3</sup> <u>Chiefships.</u> <i>Basoda.</i> <sup>4</sup> <i>Kurwai.</i> <sup>5</sup> <i>Muhammadgarh.</i> <sup>6</sup> <i>Pathari.</i> <sup>7</sup>
Bundelkhand Agency.	INDORE. <sup>8</sup> DATIA. OROHA. SAMTHAR. <u>Sanad States.</u> <i>Ajaigarh.</i> <sup>9</sup> <i>Baoni.</i> <sup>10</sup> <i>Bijawar.</i> <sup>11</sup> <i>Charkhari.</i> <sup>12</sup> <i>Ohhatarpur.</i> <sup>13</sup> <i>Panna.</i> <sup>14</sup> <i>Sariia.</i> <sup>15</sup> <i>Alipura.</i> <sup>16</sup> <i>Beri.</i> <sup>17</sup> <i>Bihat.</i> <sup>18</sup> <i>Garauli.</i> <sup>19</sup> <i>Gaurihar.</i> <sup>20</sup> <i>Jigni.</i> <sup>21</sup> <i>Lugasi.</i> <sup>22</sup> <i>Naigawan Ribai.</i> <sup>23</sup> <i>Hashta Bhaiya Jagira,</i> <sup>24</sup> <i>vis.,</i> <i>Banka Pahari.</i> <sup>25</sup> <i>Bijna.</i> <sup>26</sup> <i>Dhurwai.</i> <sup>27</sup> <i>Tori Fathehpur.</i> <sup>28</sup>

<sup>1</sup> See footnote to Maihar, Baghelkhand Agency. In this case effect to sentence of death is not given until intimation of the sentence passed has been given to the Agent to the Governor General who after awaiting the presentation of a petition for mercy communicates with the Raja regarding the execution of the sentence.

<sup>2</sup> See footnote to Maihar, Baghelkhand Agency.

<sup>3</sup> The Political Agent exercises jurisdiction in heinous offences. The status of those marked with an asterisk is under consideration.

<sup>4</sup> The Pargana of Alampur of the Indore State is under this Agency.

<sup>5</sup> His powers were enhanced in 1925 see footnote to Maihar, Baghelkhand Agency.

<sup>6</sup> He is personally invested with enhanced powers to try all criminal cases in his State with the exception of cases in which the persons accused or any of the persons accused are European, European British subjects, Americans, or Government servants on condition that sentence of death shall be reported to the Agent to the Governor General and be subject to confirmation by the Agent to the Governor General. Also any person sentenced for the commission of offences punishable with death or transportation for life shall have the right of preferring an appeal to the Agent to the Governor General.

<sup>7</sup> The Political Agent exercises jurisdiction in heinous offences.

<i>Agency.</i>	<i>States, Chiefships and Estates.</i>
Southern States of Central India and Malwa Agency.	<p>INDORE.<sup>1</sup>  <u>Malwa.</u>            DEWAS (SENIOR BRANCH).            DEWAS (JUNIOR BRANCH).            JAORA.  <u>Mediatized States.</u>            Ratlam.<sup>2</sup>            Sitamau.<sup>3</sup>            Sailana.<sup>4</sup>            Piploda.<sup>5</sup>  <u>Southern States of Central India.</u>            DHAR.<sup>1</sup>  <u>Mediatized and Guaranteed States and Estates.</u>            Alirajpur.<sup>6</sup>            Barwani.<sup>4</sup>            Jhabua.<sup>6</sup>            Jobat.<sup>6</sup>            Kathiwar.<sup>6</sup>            Mathwar.<sup>6</sup>            Ratanmal.<sup>6</sup>  <u>Estates held in Prescriptive right and guaranteed Estates.</u>            Jamnia.<sup>7</sup>            Nimkhara.<sup>7</sup>            Rajgarh.<sup>7</sup>            Hirapur.<sup>8</sup>            Lalgarh.<sup>8</sup></p>

The following<sup>9</sup> Administered Areas in Central India are subject to British jurisdiction, viz. :—

Mhow . . . . .	} Military Cantonments.
Nimuch . . . . .	
Nowgong . . . . .	

<sup>1</sup> With the exception of the Pargana of Nadwai, Alampur and Sundarsi and the City of Indore the Indore State is under this Agency. The Pargana of Sundarsi belongs to Gwalior, Indore and Dhar and is under the Resident at Gwalior. The question of its exchange is under consideration.

<sup>2</sup> See footnote to Maihar, Baghelkhand Agency.

<sup>3</sup> The Political Agent exercises jurisdiction in heinous offences.

<sup>4</sup> See footnote to Khilchipur, Bhopal Agency.

<sup>5</sup> All heinous offences are reported to the Political Agent who ordinarily tries murder and other cases of exceptional importance in his own Court, but has discretionary power of making over cases to the Darbar for trial. All sentences of death require confirmation by the Agent to the Governor General.

<sup>6</sup> Exercises powers of a 1st Class Magistrate. Political Agent exercises jurisdiction in other offences.

<sup>7</sup> The Bhumias exercise powers of a 2nd Class Magistrate in Estates held on prescriptive right. Superior jurisdiction Civil and Criminal vests with the Political Agent.

<sup>8</sup> These are Guarantee holders of Indore State. Superior jurisdiction, Civil and Criminal, for the present vests with the Political Agent. The holders are delegated 2nd Class Magisterial powers.

<sup>9</sup> The Cantonments of Morar, Sipri and Sirdarpur and the Umaria Coalfields have ceased to be Administered Areas, jurisdiction having been restored to the States in which they are situated. The Cantonments of Agar and Guna were restored to the Gwalior Darbar on the 16th October, 1922, with full jurisdiction over the lands lying within these Cantonments; see Notification No. 2170—22-Int., dated the 16th October, 1922; *Gazette of India*, 1922, Part I, page 1260.

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Indore Residency Bazars . . .	}	Civil Stations and the respective Headquarters of the Central India Agency, the Bhopal Agency and the Bundelkhand Agency.
Sehore Cantonment . . .		
Civil Lines of Nowgong . . .		
Sutna <sup>1</sup> Agency Area . . .		Headquarters of the Baghelkhand Agency.

The Railway lands in Central India which are subject to British jurisdiction are included in the Eastern and North Central Divisions of Railways enumerated in Volume VIII.

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<sup>1</sup> The Cantonment area of Sutna was transferred to the Rewa State on the 1st October, 1922 with full jurisdiction over the lands lying within the Cantonment. See notification No. 2164—685-Int., dated the 16th October, 1922; *Gazette of India*, 1922, Part I, page 1260.

## STATES IN CENTRAL INDIA.

The following British Enactments are in force in the States in Central India:—

### I.—Statutes.<sup>1</sup>

II.—Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II.

III.—Orders under Statutes.—*See* below.

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.—*See* *infra*, pages 5 to 12.

V.—Orders relating to Courts.—*See* *infra*, pages 13 to 17.

### III.—Orders under Statutes.

53 & 54 Vict., c. 87. The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix I.

5 & 6 Geo. V, ch. 61. No. 580-D., dated the 26th January, 1917.—(Jurisdiction of High Courts over European British subjects).—*See* Appendix IV.

### IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.

#### INDIAN EVIDENCE ACT, 1872.

*Officers of the Indore State empowered to certify documents.*

No. 2057-I. B., dated the 23rd May, 1906.—With reference to the provisions of section 79 of the Indian Evidence Act, 1872 (I of 1872), the Governor General in Council is pleased hereby to declare that the following officers in the Native State of Indore are duly authorised to certify documents for the purposes of the said section, namely:

- (a) All District Judges.
- (b) All District Magistrates.

[*Gazette of India*, 1906, Pt. I, p. 347.]

#### INDIAN CHRISTIAN MARRIAGE ACT, 1872.

*Political Officers appointed Marriage Registrars and licensed to grant certificates of Marriage between Native Christians.*

No. 1105-I. B., dated the 16th May, 1912.—In exercise of the powers conferred by sections 8 and 9, respectively of the Indian Christian Mar-

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<sup>1</sup> Not enumerated *see* the Preface to this Edition, paragraph 4.

riage Act, 1872 (XV of 1872), the Governor General in Council is pleased—

(a) to appoint the officers named in the first column of the schedule hereto annexed, being Christians, to be Marriage Registrars in respect of the areas mentioned in the corresponding entries in the second column, and

(b) to license the said officers to grant certificates of marriage between Native Christians within the said areas.

2. \* \* \* \* \*

*Schedule.*

Officers.	Areas.
The Resident at Gwalior . . . .	The Gwalior Residency, * * * *
" " " " " " " " " " " "	" " " " " " " " " " " "
The Political Agent in Baghelkhand .	The Baghelkhand Agency.
The Political Agent in Bhopal . .	The Bhopal Agency.
*[The Political Agent in the Southern States of Central India and in Malwa.]	*[The Southern States of Central India and the Malwa Agency.]
" " " " " " " " " " " "	" " " " " " " " " " " "
The Political Agent in Bundelkhand .	The Bundelkhand Agency.
The First Assistant to the Agent to the Governor General in Central India.	*[The Indore State, including the Indore Residency Basars and Mhow Cantonment.]
" " " " " " " " " " " "	" " " " " " " " " " " "

[*Gazette of India*, 1912, Pt. I, p. 560.]

*Certificates of Marriage Registrars to be sent to the Registrar-General of Births, Deaths and Marriages for the Central Provinces.*

No. 701-I. B., dated the 6th May, 1915.—In exercise of the powers conferred by section 56 of the Indian Christian Marriage Act, 1872 (XV of 1872), and in supersession of the notification of the Government of India in the Foreign Department, No. 1312, dated the 11th June, 1873, the Governor General in Council is pleased to appoint the Registrar General of Births, Deaths and Marriages for the Central Provinces to be the officer to whom Marriage Registrars in Native States in Central India shall send the certificates mentioned in section 54 of the Act.

[*Gazette of India*, 1915, Pt. I, p. 652.]

\* Omitted by Notification No. 70-I., dated the 1st October, 1923. *Gazette of India*, 1923, Pt. I, p. 1983.

\* Omitted and substituted by Notification No. 2406-I. B., dated the 1st November, 1916. *Gazette of India*, 1916, Pt. I, p. 1666.

\* Substituted and omitted by Notification No. 399-I., dated the 10th August, 1925. *Gazette of India*, 1925, Pt. I, p. 761.

*Fees and rules.*

*No. 1586-E., dated the 29th August, 1892.*—Printed in Appendix V. *Delegation to the Agent to the Governor General of powers under sections 6, 8 and 9.*

*No. 3744-I. B., dated 1st October, 1897.*—In exercise of the power conferred by section 86 of the Indian Christian Marriage Act, 1872 (XV of 1872), the Governor General in Council is pleased to delegate to the Agent to the Governor General in Central India the powers and functions given to the Governor General in Council by sections 6, 8 and 9 of the said Act, as regards the Native States of the Central India Agency.

[*Gazette of India*, 1897, Pt. I, p. 873.]

EUROPEAN VAGRANCY ACT, 1874.

*Provisions brought into force from the 23rd September 1891.*

*No. 3918-I., dated the 23rd September, 1891.*—Under the provisions of section 1 of the European Vagrancy Act (IX of 1874), the Governor General in Council is pleased to declare that the provisions of sections 4 to 9 (both inclusive) and of sections 19, 20, 24 and 29 of the said Act shall come into force from the date of this notification in the dominions of the Princes and States comprised in the Central India Agency.

[*Gazette of India*, 1891, Pt. I, p. 552.]

INDIAN ARMS ACT, 1878.

*Exemption of certain persons in Indian States from the prohibitions and directions contained in the Act. Rules regarding the export of arms and ammunition from and their import into, British India.*

*No. F.-329-22., dated the 3rd November, 1923.*—(The Indian Arms Rules, 1924).—Printed in Appendix XXIII.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

*Appointment of—(a) Officers to be Registrars of Births and Deaths, (b) Registrar-General for the Central Provinces to be Registrar-General for Central India.*

*No. 1103-I. B., dated the 16th May, 1912.*—In exercise of the powers conferred by section 18 of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), and in supersession of the notification of the Government of India in the Foreign Department, No. 3998-I., dated the 30th September 1891, as subsequently amended, the Governor

General in Council is pleased to appoint the officers named in the first column of the schedule hereto annexed to be Registrars of Births and Deaths, in respect of the classes of persons indicated in section 11, sub-section (1), clause (b) of the said Act for the local areas mentioned in the corresponding entries in the second column including the railway lands situate therein.

2. For the purposes of section 24, sub-section (2) of the said Act, the Governor General in Council is further pleased to appoint the Registrar-General of Births, Deaths and Marriages for the Central Provinces to be the Registrar-General for the said local areas.

### Schedule.

Officers.	Local areas.
The Resident at Gwalior . . . . .	The Gwalior Residency * * * <sup>1</sup> .
* * * * *	* * * * *
The Political Agent in Baghelkhand .	The Baghelkhand Agency.
The Political Agent in Bhopal . . .	The Bhopal Agency.
*[The Political Agent in the Southern States of Central India and in Malwa.]	*[The Southern States of Central India and the Malwa Agency excepting Nimuch Cantonment.]
The Political Agent in Bundelkhand .	The Bundelkhand Agency, excepting Nowgong Cantonment.
* * * * *	* * * * *
The First Assistant to the Agent to the Governor General in Central India.	*[The Indore State including the Indore Residency Basars, but not including Mhow Cantonment.]
* * * * *	* * * * *
*[The Executive Officer, Mhow Cantonment.]	Mhow Cantonment.
*[The Executive Officer, Nimuch Cantonment.]	Nimuch Cantonment.
*[The Executive Officer, Nowgong Cantonment.]	Nowgong Cantonment.

[*Gazette of India*, 1912, Pt. I, p. 560.]

### Fees and Rules.

No. 1173, dated the 19th July, 1888.—Printed in Appendix VI.

<sup>1</sup> Omitted by Notification No. 70-I., dated the 1st October, 1923. *Gazette of India*, 1923, Pt. I, p. 1268.

<sup>2</sup> Omitted by Notification No. 2407-I. B., dated the 1st November, 1916. *Gazette of India*, 1916, Pt. I, p. 1663.

<sup>3</sup> Substituted and omitted by Notification No. 398-I., dated the 10th August, 1925. *Gazette of India*, 1925, Pt. I, p. 751.

<sup>4</sup> Substituted by Notification No. 254-I., dated the 21st May, 1924. *Gazette of India*, 1924, Pt. I, p. 380.

INDIAN FOREIGN MARRIAGE ACT, 1903.

*Fees.*

No. 341, dated the 11th August, 1904.—Printed in Appendix VII.

INDIAN EXTRADITION ACT, 1903.

*Rules under the Act, except in areas under British jurisdiction.*

No. 1862-I. A., dated the 13th May, 1904.—Printed in Appendix VIII.

*Offences under the Criminal Tribes Act, declared extradition offences.*

No. 4806-I. B., dated the 17th November, 1919.—Printed in Appendix VIII.

*Desertion from certain units of Indian State Forces declared an extradition offence.*

No. 405-I., dated the 20th June, 1928.—Printed in Appendix VIII.

INDIAN ARMY ACT, 1911.

*Application of certain provisions to the Malwa Bhil Corps.*

No. 2895-I. B., dated the 31st August, 1920.—In exercise of the power conferred by section 5 (1) of the Indian Army Act, 1911 (VIII of 1911), as subsequently amended, and in supersession of the notification of the Government of India in the Foreign Department, No. 2705-I. A., dated the 28th December 1911, the Governor General in Council is pleased to apply to the Malwa Bhil Corps the provisions of the said Act, with the exception of section 6 (1) (a), section 12 (2) (so far as it relates to general service), sections 18, 23, 24, 28 (c), 53 (3), 57, 58, 59, 60, 61, 62 and 63, sections 72 and 74 (so far as they relate to summary general courts-martial), and sections 77, 78, 79, 80, 81, 87, 98, 99A and 121.

[*Gazette of India*, 1920, Pt. I, p. 1707.]

*Powers to be exercised by the Governor General in Council, the Agent to the Governor General, and the latter's First Assistant.<sup>1</sup>*

No. 2706-I. A., dated the 28th December, 1911.—In exercise of the power conferred by section 5 (2) of the Indian Army Act, 1911 (VIII of 1911), the Governor General in Council is pleased to direct that in maintaining discipline over the Malwa Bhil Corps, as reconstituted under the

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<sup>1</sup> Now designated Secretary to the Agent to the Governor General.



10 STATES IN CENTRAL INDIA.—(IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.)

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notification<sup>1</sup> of the Government of India in the Army Department, No. 415, dated the 22nd May 1908, the jurisdiction, powers, and duties of a district court martial and of officer commanding the district or brigade shall be exercised or performed by the First Assistant<sup>2</sup> to the Agent to the Governor General in Central India, of a general court martial or the General Officer of the Army or Division by the Agent to the Governor General in Central India, and of the Commander-in-Chief in India by the Governor General in Council.

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[*Gazette of India*, 1911, Pt. I, p. 1193.]

*Indian Army Act Rules applied to Malwa Bhil Corps.*

No. 1652-I. A., dated the 11th July, 1913.—In exercise of the powers conferred by section 113 of the Indian Army Act, 1911 (VIII of 1911), as applied to the Malwa Bhil Corps by the notification<sup>4</sup> of the Government of India in the Foreign Department, No. 2705-I. A., dated the 28th December 1911, the Governor General in Council is pleased to direct that the Indian Army Act Rules, published with the notification of the Government of India in the Army Department, No. 911, dated the 3rd November 1911, as amended by the like notification No. 365, dated the 25th April 1913, shall be applied to the Malwa Bhil Corps, subject to any amendments to which the rules are for the time being subject in British India, and subject also to the following modifications, namely:—

1. For rule 7 the following shall be substituted, namely:—

“ 7. The Commandant of the Malwa Bhil Corps shall be the enrolling officer for the purposes of the Act.”

2. For rule 8 the following shall be substituted, namely:—

“ 8. All combatants shall, when reported fit for duty, be attested as provided in section 12 of the Act.”

3. In rule 9, clause (a) in the “ Form of Oath ” and “ Form of Affirmation ” the words “ and go wherever I may be ordered by land or sea ” shall be omitted.

4. In the “ Table ” appended to the rule 13 for the words “ The Governor General in Council ” wherever they occur, the words “ The Agent to the Governor General in Central India ” shall be substituted, and the entries relating to the Indian Subordinate Medical Department shall be omitted.

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<sup>1</sup> *Gazette of India*, 1908, Pt. I, p. 462.

<sup>2</sup> Now designated Secretary to the Agent to the Governor General.

<sup>3</sup> Notifications cancelled.

<sup>4</sup> Superseded by Notification No. 2895-I. B., dated the 31st August, 1920, printed *supra*, p. 9.

5. Rules 27, clauses (B), (C) and (D), 28 to 31 and 34 shall be omitted.

6. "Swearing or affirming of Court."—(a) For rule 35 the following shall be substituted, namely:—

"35. The Court shall make oath or affirmation in one of the following forms or in such other form to the same purpose as may be according to its religion or otherwise binding on its conscience."

(b) In the "Form of Oath" and "Form of Affirmation" the words "vote or" and "of any particular member" shall be omitted.

7. In rule 36 the following amendments shall be made, namely:—

(a) For the first thirteen words of the rule the following shall be substituted, namely:—

"After the Court has sworn or made affirmation."

(b) In the marginal note the words "Judge Advocate and" shall be omitted.

(c) The forms of oath marked (A) and (B) shall be omitted.

(d) In the "Form of Oath" and "Form of Affirmation" marked D, the words "vote or" and "of any particular member" shall be omitted.

8. Rules 49, 50, 55, clause (B), 62 to 64, 70, clauses (C) and (D), 72, 73, 78, clause (B), 89 to 91, 132, clause (A), 137 to 151 and 160 to 162 shall be omitted.

9. In rule 163, clause (A), for the words "The Governor General in Council" the words "The Agent to the Governor General in Central India" shall be substituted.

10. In the third appendix, Forms Nos. 1 and 2 and the form for assembly and proceedings of a Summary-General Court Martial shall be omitted, and the "forms of proceedings of Courts Martial" shall be subject to such variations as circumstances may require.

[*Gazette of India*, 1913, Pt. I, p. 689.]

#### OFFICIAL TRUSTEES ACT, 1913.

*Inclusion of States in Central India in the Presidency of Bombay and the Province of the United Provinces for purposes of the Act.*

No. 1450-D., dated the 19th March, 1914.—Printed in Appendix XII.

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ADMINISTRATOR GENERAL'S ACT, 1913.

*Inclusion of States in Central India in the Presidency of Bombay and the Province of the United Provinces for purposes of the Act.*

No. 1449-D., dated the 19th March, 1914.—Printed in Appendix XIII.

*Exercise of the powers and duties of a District Judge under the Act in Central India.*

No. 3542-I., dated the 27th August, 1891.—Printed in Appendix XIII.

INDIAN INCOME-TAX ACT, 1922.

*Modifications of income-tax when income-tax has been charged both in British India and in Dhar State.*

No. 25, dated the 1st July, 1926.—Printed in Appendix XV.





### V.—Orders relating to Courts.

*British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.*

*No. 1431-I., dated the 27th April, 1893.*—Printed in Appendix XIX.

*Criminal law and procedure of British India applicable to British subjects in Indian States.*

*No. 1863-I. A., dated the 13th May, 1904.*—Printed in Appendix IV.

*Jurisdiction of the High Courts at Bombay and Allahabad over European British subjects in States of Central India.*

*No. 580-D., dated the 26th January, 1917.*—Printed in Appendix IV.

*Justices of the Peace to commit for trial to the High Court having jurisdiction.*

*No. 582-D., dated the 26th January, 1917.*—Printed in Appendix IV.

*Justices of the Peace invested with powers of Magistrates of the first class, and to hold inquests.*

*No. 319-D., dated the 16th January, 1917.*—Printed in Appendix IV.

*Appointment of Political officers to be Justices of the Peace.*

*No. 2313-I., dated the 13th August, 1883.*—In exercise of the powers conferred by sections 4 and 6 of Act XXI of 1879<sup>1</sup> (the Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of Second Assistant<sup>2</sup> to the Agent to the Governor General for Central India, being a European British subject, to be a Justice of the Peace within the limits of the territories of the Princes and Chiefs in relation with the Central India Agency.

[*Gazette of India*, 1883, Pt. I, p. 346.]

*No. 2760-I., dated the 18th September, 1883.*—In exercise of the powers conferred by section 6 of Act XXI of 1879<sup>1</sup> (the Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the officers holding for the time being the appointments

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<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix I.

<sup>2</sup> Now designated Under-Secretary to the Agent to the Governor General.

specified below, being European British subjects, to be Justices of the Peace within the territories of Native Chiefs included in the Central India Agency:—

- (1) All Political Agents accredited to Native States within the Central India Agency.
- (2) The First Assistant<sup>1</sup> to the Governor General's Agent in Central India.

[*Gazette of India*, 1883, Pt. I, p. 387.]

*Criminal jurisdiction of Political officers in their political charges, excluding the Administered Areas and railway lands in which jurisdiction is exercised by the Governor General in Council.*

No. 2382-I. B., dated the 16th November, 1912.—Whereas the Governor General in Council has in certain cases criminal jurisdiction in the States in Central India:

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign Department, No. 2133-I. B., dated the 31st May 1901, the Governor General in Council is pleased to issue the following orders with respect to such cases:—

1. Every Resident and Political Agent accredited to a State in Central India shall exercise, in respect of such cases occurring within the limits of the said State, the powers of a District Magistrate and those of a Court of Session as described in the Code of Criminal Procedure, 1898:

<sup>2</sup>[Provided that in respect of such cases occurring within the limits of the city of Indore, such powers shall be exercised by the First Assistant<sup>1</sup> to the Agent to the Governor General in Central India.]

2. In the exercise of the jurisdiction of a Court of Session conferred on him by these orders, a Resident or Political Agent <sup>3</sup>[or the First Assistant<sup>1</sup> to the Agent to the Governor General in Central India as the case may be] at his discretion—

(a) may take cognisance of any offence as a Court of original criminal jurisdiction without the accused being committed to him by a Magistrate, and, if so, shall follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates; and

(b) in other cases may direct that the trial shall be without jury or aid of assessors.

<sup>1</sup> Now designated Secretary to the Agent to the Governor General.

<sup>2</sup> Inserted by Notification No. 1353-D., dated the 1st March, 1917. *Gazette of India*, 1917, Pt. I, p. 854.

3. The Agent to the Governor General in Central India shall exercise the powers of a High Court as described in the Code of Criminal Procedure, 1898, in respect of all offences over which a Resident or Political Agent <sup>1</sup>[or the First Assistant<sup>2</sup> to the Agent to the Governor General] exercises the jurisdiction conferred by these orders, and for the purposes of all other criminal proceedings in connection with such cases. Provided that a person convicted on a trial held by a Resident or Political Agent <sup>1</sup>[or the First Assistant<sup>2</sup> to the Agent to the Governor General] in the exercise of the powers of a District Magistrate may appeal to the Agent to the Governor General within thirty days from the date of the conviction.

4. These orders apply to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects; but nothing therein shall be deemed to extend to the Administered Areas in Central India or to any railway lands in Central India over which jurisdiction is exercised by the Governor General in Council.

[*Gazette of India*, 1912, Pt. I, p. 1590.]

*Provision for the exercise of powers during vacancies.*

No. 3218-I. B., dated the 4th July, 1919.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in amplification of the notifications of the Government of India in the Foreign Department No. 2382-I. B., dated the 16th November 1912, and No. 261-I. B., dated the 10th February 1913, and in the Foreign and Political Department No. 2402-I. B., dated the 1st November, 1916, the Governor General in Council is pleased to direct that, in the event of a vacancy occurring in the appointment of a Resident or Political Agent in Central India, the judicial powers vested in such Resident or Political Agent by the said notifications shall, during such vacancy, be exercised by such other officer or officers as the Agent to the Governor General in Central India may direct.

[*Gazette of India*, 1919, Pt. I, p. 1324.]

*Appointment of Additional Sessions Judge in the Bundelkhand Agency.*

No. 1142-1500-I., dated the 16th July, 1923.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to order that Rai Sahib Pandit Iqbal Kishan, Treasury and Judicial Officer, Nowgong, shall exercise the

<sup>1</sup> See footnote 2 on preceding page.

<sup>2</sup> See footnote 1 on preceding page.



powers of an Additional Sessions Judge, as described in the Code of Criminal Procedure, 1898 (V of 1898), within the limits of the Bundelkhand Agency, in all cases in which such powers may lawfully be exercised by the Governor General in Council within such limits. In exercise of these powers he may take cognisance of an offence as a court of original criminal jurisdiction without the accused person being committed to him by a Magistrate and shall, when so taking cognisance of an offence, follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of Warrant cases by Magistrates.

2. The provisions of this notification shall apply to all criminal proceedings except proceedings against European British subjects or persons jointly charged with European British subjects.

3. Nothing in this notification shall be deemed to extend to the Cantonment and Civil lines of Nowgong.

[*Gazette of India*, 1923, Pt. I, p. 716.]

*Assistant to the Political Agent in the Southern States of Central India and in Malwa invested with the powers of a 1st Class Magistrate and an Additional District Magistrate.*

No. 337-I., dated the 22nd May, 1929.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to order that the Assistant to the Political Agent in the Southern States of Central India and in Malwa for the time being shall exercise the powers of a 1st Class Magistrate and an Additional District Magistrate as described in the Code of Criminal Procedure, 1898 (Act V of 1898), within the limits of the Southern States of Central India and Malwa Agency, in all cases in which such powers may lawfully be exercised by the Governor General in Council within such limits.

2. The provisions of this Notification shall apply to all criminal proceedings except proceedings against European British subjects; but nothing therein shall be deemed to extend to Administered Areas, if any, or to any railway lands in the Southern States of Central India and Malwa Agency over which jurisdiction is exercised by the Governor General in Council.

[*Gazette of India*, 1929, Pt. I, p. 738.]

*Jurisdiction of Criminal Courts of Indian States over Indian Officers and soldiers of the Indian Army.*

*Letter of the Government of India, No. 1889-I. A., dated the 18th April, 1905.*—Printed in Appendix XX.

*Service of summonses of Civil or Revenue Courts of States in Central India—*

*(a) by Courts established or continued by the Governor General in Council.*

*No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI—*  
**A.**

*(b) by Courts in British India.*

*No. 323-I., dated the 15th May, 1929.—Printed in Appendix XXI—*  
**B.**

*Service by Courts of States in Central India of summonses of Courts in British India.*

*No. 323-I., dated the 15th May, 1929.—Printed in Appendix XXI—*  
**B.**







## ADMINISTERED AREAS IN CENTRAL INDIA.

The following British Enactments are in force in the Administered Areas in Central India:—

### I.—Statutes.<sup>1</sup>

### II.—Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II.

### III.—Orders under Statutes.—*See* below.

### IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.—*See infra*, pages 19 to 21.

### V.—Acts locally applied.—*See infra*, pages 23 to 37.

### VI.—Local Laws.

### VII.—Orders relating to Courts.

### VIII.—Orders under Acts locally applied.

### IX.—Orders under Local Laws.

Mhow, Nimach and Nowgong.—  
*See infra*, pages 40 to 445.

Indore Residency Bazars.—*See infra*, pages 448 to 625.

Sehore.—*See infra*, pages 628 to 674.

Nowgong Civil Lines.—*See infra*, pages 676 to 685.

Sutna Agency Area.—*See infra*, pages 688 to 694.

### III.—Orders under Statutes.

33 & 34 Vict.  
 c. 37.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix I.

5 & 6 Geo.  
 V, Ch. 61.

No. 580-D., dated the 26th January, 1917.—(Jurisdiction of High Courts over European British subjects).—*See* Appendix IV.

### IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.

The orders cited above<sup>2</sup> as in force in the States in Central India operate to the same extent in each Administered Area as in the State in which the Area is situated with the exception of the orders under the Indian Extradition Act, 1903, which do not apply in any Administered Area.

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<sup>1</sup> Not enumerated. *See* the Preface to this Edition, paragraph 4.

<sup>2</sup> Pages 5 to 12, *supra*.

The following orders may also be cited:—

INDIAN STAMP ACT, 1899.

*Remission of duty in British India on instruments executed in Administered Areas in Central India on which the stamp duty chargeable there has been paid.*

<sup>1</sup> No. 3616-*Exc.*, dated the 16th July, 1909.—In exercise of the powers conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899) \* \* \* the Governor General in Council is pleased \* \* \* to remit the duties \* \* \* chargeable in respect of instruments of the \* \* \* classes hereinafter described:—

\* \* \* \* \*

81. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable, under the stamp law for the time being in force in the said areas, has been paid in accordance with the said law.

SCHEDULE.

\* \* \* \* \*

3. The Cantonments of Mhow, Neemuch, Nowgong (including the Civil lines) [and Sehore]<sup>2</sup> in the Central India Agency \* \*.

4. The Indore Residency Bazaars.

[*Gazette of India*, 1909, Pt. I, p. 597.]

INDIAN INCOME-TAX ACT, 1922.

*Appointment of Assistant Commissioners and Income-tax Officers.*

No. 2323-B., dated the 1st December, 1922.—In exercise of the powers conferred by sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Agent to the Governor General in Central India is pleased, with the previous sanction of the Governor General in Council, to appoint the officers designated in columns I and II of the Schedule, hereto annexed, to exercise and perform the powers and duties conferred by the Act upon an Assistant Commissioner and

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<sup>1</sup> For similar remissions in Administered Areas under British jurisdiction see orders under the Indian Stamp Act, 1899, as applied to the various Administered Areas.

<sup>2</sup> Substituted by Notification No. 246-F., dated the 26th February, 1913. *Gazette of India*, 1913, Pt. I, p. 169.

ADMINISTERED AREAS IN CENTRAL INDIA.—(IV.—Orders under Acts 21  
of the Governor General in Council and of the Indian Legis-  
lature.)

an Income-tax Officer respectively, within the Area or Areas mentioned in the corresponding entry in the third column.

SCHEDULE.

Assistant Commissioner.	Income-tax Officer.	Area or Areas.
<sup>1</sup> [Political Agent in the Southern States of Central India and in Malwa.]	<sup>2</sup> [Executive Officer, Mhow Cantonment.]	The Cantonment of Mhow.
	<sup>2</sup> [Executive Officer, Neemuch Cantonment.]	The Cantonment of Neemuch.
Political Agent in Bundelkhand .	<sup>2</sup> [Executive Officer, Nowgong Cantonment.]	The Cantonment * * of Nowgong.
Secretary to the Agent to the Governor General.	Treasury Officer, Indore.	Administered areas in Central India other than the above.

Central India Agency Notification No. 405-B., dated the 24th February, 1920, is hereby cancelled.

[*Gazette of India*, 1922, Pt. II, p. 1746.]

<sup>1</sup> Substituted by Notification No. 90-B.—25 (1), dated the 26th August, 1925. *Gazette of India*, 1925, Pt. II-A, p. 280.

<sup>2</sup> Substituted by Notification No. 1145-B., dated the 6th June, 1924. *Gazette of India*, 1924, Pt. II-A, p. 206.

<sup>3</sup> Omitted by *ibid.*





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### V.—Acts locally applied.

*No. 262-1., dated the 24th April, 1920.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and to provide for the administration of the Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazars, the Sutna Agency Area and the Civil Lines of Nowgong (hereinafter styled the "Administered Areas in Central India"), the Governor (General in Council is pleased, in supersession of the notifications of the Government of India in the Foreign Department and in the Foreign and Political Department Nos. 2365-I. B., 1055-I. B., and 2397-717 Int., dated the 14th November, 1912, 8th June, 1915 and 22nd November, 1922, respectively, and of all notifications amending the same, to apply the enactments specified in the first column of the schedule hereto annexed to such of the said Administered Areas as are specified in the corresponding entries in the second column thereof, in so far as the same may be applicable thereto and subject to any amendments to which the enactments are for the time being subject in British India:

Provided, first, that in the enactments as so applied (except where the context or the modifications hereinafter referred to otherwise require) references to a Local Government or the Chief Controlling Revenue Authority shall be read as referring to the Agent to the Governor General in Central India; references to a Secretary to a Local Government as referring to the Secretary to the Agent to the Governor General in Central India; references to a High Court as referring to the Court of the Agent to the Governor General in Central India; and references to British India or to the territories subject to or administered by a Local Government as referring to the Administered Area or Areas to which the enactment, wherein the expression occurs, has been applied:

Provided, secondly, that the further modifications and restrictions set forth in the said schedule shall be made in the enactments as so applied:

Provided, thirdly, that for the purposes of facilitating the application of the said enactments any Court in any Area to which the same may have been applied may construe the provisions thereof and any notifications, orders, rules, forms or bye-laws thereunder, with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court:

Provided, fourthly, that subject to the provisions of this notification, the Agent to the Governor General in Central India may direct by what officer any authority or power under the said enactments shall be exercisable:

Provided, fifthly, that all civil and criminal and other proceedings pending at the date of this notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorised, jurisdictions or powers, conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notifications hereby superseded in the said Administered Areas shall be, as far as may be, deemed to have been respectively commenced, appointed or authorised, conferred or confirmed, published, made, passed and done, under the corresponding enactments specified in this notification.

#### THE SCHEDULE.

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
<i>Act of Parliament.</i>		
1. The Army Act (44 and 45 Vict., c. 58).	All Administered Areas in Central India.	Only section 153 shall be applicable.
<i>Acts of the Governor General in Council.</i>		
2. The Judicial Officers' Protection Act, 1850 (XVIII of 1850).	All Administered Areas in Central India.	.....
3. The Indian Penal Code (Act XLV of 1860).	All Administered Areas in Central India.	In section 75, the words "British India" shall be read as referring to British India and the Administered Areas in Central India.
4. The Police Act, 1861 (V of 1861).	All Administered Areas in Central India.	(1) References to an Inspector-General, Deputy Inspector-General, Assistant Inspector-General, or District Superintendent of Police shall be read as referring to the Superintendent of Police, references to an Assistant District Superintendent of Police as referring to the Assistant Superintendent of Police; and references to a general police-district as referring to the combined Administered Areas. (2) In section 1— (a) for the definition of "Magistrate of the district" the following shall be substituted, namely:— "the words 'Magistrate of the district' shall mean the officer exercising within the Administered Areas the powers of a District Magistrate as described in the Code of Criminal Procedure, 1898;"

**ADMINISTERED AREAS IN CENTRAL INDIA.—(V.—Acts locally 25 applied.)**

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
4. The Police Act, 1861 (V of 1861)— <i>contd.</i>		<p>(b) for the definition of "Magistrate" the following shall be substituted, namely:—</p> <p>"the word 'Magistrate' shall include all persons within the Administered Areas exercising all or any of the powers of a Magistrate;" and</p> <p>(c) the definition of "general police-district" shall be omitted.</p> <p>(8) Section 5 shall be omitted.</p> <p>(4) In section 34, the words from "within the limits" to "Local Government" shall be omitted.</p>
5. The Foreigners' Act, 1864 (III of 1864).	All Administered Areas in Central India.	.....
6. The Public Gambling Act, 1867 (III of 1867).	All Administered Areas in Central India except the Sutna Agency Area.	<p>(1) The preamble, the first two paragraphs of section 1, and section 2 shall be omitted.</p> <p>(2) In section 5 for the words "Lieutenant-Governor or Chief Commissioner" and in section 17 for the words "Lieutenant-Governor or the Chief Commissioner as the case may be" the words "Agent to the Governor General in Central India" shall be substituted.</p>
7. The Court-fees Act, 1870 (VII of 1870).	All Administered Areas in Central India except the Sutna Agency Area.	.....
8. The Cattle-trespass Act, 1871 (I of 1871).	All Administered Areas in Central India except the Sutna Agency Area.	.....
9. The Indian Evidence Act, 1872 (I of 1872).	All Administered Areas in Central India.	In sections 57, 74, 78 and 79 the words "British India" shall be read as referring to British India, the Administered Areas in Central India, and areas outside British India under the administration of the Governor General in Council.
10. The Indian Contract Act, 1872 (IX of 1872).	All Administered Areas in Central India except the Sutna Agency Area.	.....
11. The Indian Oaths Act, 1878 (X of 1878).	All Administered Areas in Central India.	.....

26 ADMINISTERED AREAS IN CENTRAL INDIA. —(P.—Acts locally applied.)

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
12. The Indian Majority Act, 1875 (IX of 1875).	All Administered Areas in Central India except the Sutna Agency Area.	In section 3, the words "British India" shall be read as referring to British India and the Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Basars and the Civil Lines of Nowgong.
13. The Specific Relief Act, 1877 (I of 1877).	The Cantonments of Mhow, Nimach and Nowgong and the Indore Residency Basars.	.....
14. The Indian Arms Act, 1878 (XI of 1878).	All Administered Areas in Central India.	..
15. The Hackney-carriage Act, 1879 (XIV of 1879).	The Cantonments of Mhow, Nimach and Nowgong and the Indore Residency Basars.	(1) In section 2, in the definition of "Hackney-carriage" after the word "passengers" the words "goods or materials" shall be added. (2) For the purposes of this Act the Indore Residency Basars shall be deemed to be a Cantonment.
16. The Vaccination Act, 1880 (XIII of 1880).	The Cantonments of Mhow, Nimach and Nowgong and the Civil Lines of Nowgong.	(1) The second paragraph of section 1 and section 4 shall be omitted. (2) For the purposes of this Act the Civil Lines of Nowgong shall be deemed to be a cantonment.
17. The Negotiable Instruments Act, 1881 (XXVI of 1881).	All Administered Areas in Central India except the Sutna Agency Area.	In section 11, the words "British India" shall be read as referring to British India and the Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Basars and the Civil Lines of Nowgong.
18. The Transfer of Property Act, 1882 (IV of 1882).	The Cantonments of Mhow, Nimach and Nowgong and the Indore Residency Basars.	In section 52, the words "British India" shall be read as referring to British India and the Cantonments of Mhow, Nimach and Nowgong and the Indore Residency Basars.
19. The Indian Telegraph Act, 1885 (XIII of 1885).	All Administered Areas in Central India except the Sutna Agency Area.	.....
20. The Provincial Small Cause Courts Act, 1887 (IX of 1887).	All Administered Areas in Central India except the Sutna Agency Area.	(1) In sub-section (2) of section 2, for the words and figures "Act No. XI of 1865..... repealed by that Act" the words "any local law relating to Courts of Small Causes in the Cantonments of Mhow, Nimach, and Nowgong, the Indore Residency Basars, and the Civil Lines of Nowgong" shall be substituted.

**ADMINISTERED AREAS IN CENTRAL INDIA.—(V.—Acts locally applied.)**

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
20. The Provincial Small Cause Courts Act, 1887 (IX of 1887)— <i>contd.</i>		<p>2) For section 16, the following shall be substituted, namely:—</p> <p>“ 16 If a suit is instituted in any other Court having jurisdiction within the local limits of the jurisdiction of a Court of Small Causes which in the opinion of the Judge who tries the same (whose opinion shall be final) ought to have been instituted in the Court of Small Causes, no costs shall be allowed to a successful plaintiff and a successful defendant shall be allowed his costs including such pleader's fees as the Court may direct.”</p>
21. The Police Act, 1888 (III of 1888).	All Administered Areas in Central India.	...
22. The Revenue Recovery Act, 1890 (I of 1890).	All Administered Areas in Central India.	<p>For section 8, the following shall be substituted, namely:—</p> <p>“ 8. The provisions of this Act shall apply equally to—</p> <p>(a) the recovery in the Administered Areas in Central India of any arrear of land-revenue accruing, or sum recoverable as an arrear of land revenue and payable to a Collector or other public officer or to a local authority, in any part of British India or in any local area which is not part of British India but which is under the administration of the Governor General in Council and to which the Revenue Recovery Act, 1890, has been applied; and</p> <p>(b) the demand for the recovery in British India or in any such local area of any such arrear accruing, or sum so recoverable and payable, in the said Administered Areas.”</p>
23. The Guardians and Wards Act, 1890 (VIII of 1890).	All Administered Areas in Central India except the Satna Agency Area.	.....
24. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890).	All Administered Areas in Central India.	.....



28 ADMINISTERED AREAS IN CENTRAL INDIA.—(V.—*Acts locally applied.*)

Enactments applied.	Areas to which applied.	Further modifications and restrictions
25. The Land Acquisition Act, 1894 (I of 1894).	The Cantonments of Mhow, Nimach and Nowgong and the Indore Residency Bazars.	In section 3, for clause (d) the following shall be substituted, namely:— (d) The expression "Court" means as regards the Cantonments of Mhow and Nimach, the Political Agent in the Southern States of Central India and in Malwa and as regards the Cantonment of Nowgong the Political Agent in Bundelkhand and as regards the Indore Residency Bazars the Secretary to the Agent to the Governor General in Central India.
26. The Prisons Act, 1894 (IX of 1894).	All Administered Areas in Central India.	.....
27. The Epidemic Diseases Act, 1897 (III of 1897).	All Administered Areas in Central India.	.....
28. The General Clauses Act, 1897 (X of 1897).	All Administered Areas in Central India.	In clause (7) of section 3, the words "British India" shall remain unmodified, but in any other enactment, where this definition would otherwise apply, the words shall be read subject to the provisions of this notification.
29. The Code of Criminal Procedure, 1898 (Act V of 1898).	All Administered Areas in Central India.	(1) Sections 22 and 25 shall be omitted. (2) In section 30, the words from "In the territories" to "Assistant Commissioners" shall be omitted. (3) A Sessions Judge at his discretion— (a) may take cognizance of an offence without the accused person being committed to the Court of Session by a Magistrate and, if so, shall follow the procedure laid down by this Code for the trial of warrant cases by Magistrates; and (b) in other cases may direct that any trial before the Court of Session shall be without jury or aid of assessors. (4) The powers prescribed by sections 401 and 402 shall be exercised only by the Governor General in Council.

**ADMINISTERED AREAS IN CENTRAL INDIA.—(V.—Acts locally 29  
applied.)**

Enactments applied.	Areas to which applied.	Further modifications and restrictions
39. The Code of Criminal Procedure, 1898 (Act V of 1898)— <i>contd.</i>		<p>(5) A person convicted on a trial held by a District Magistrate, who is also the Sessions Judge, may appeal to the High Court, and in that case, notwithstanding anything in the Indian Limitation Act, 1908, as in force, the period of limitation for an appeal to the High Court shall be thirty days from the date of the conviction.</p> <p>(6) In sub-section (1) of section 508, after the words "such attendance and" the words "if such witness resides in any area to which this Code applies or in British India," shall be inserted.</p> <p>(7) For sub-section (1) of section 527, the following shall be substituted, namely:—</p> <p>"(1) The Governor General in Council may, by notification in the <i>Gazette of India</i>, direct the transfer of any particular case or appeal from the High Court to any High Court in British India or in an administered area or from any Criminal Court subordinate to the High Court to any criminal court of equal or superior jurisdiction subordinate to any such High Court as aforesaid, whenever it appears to him that such transfer will promote the ends of justice or tend to the general convenience of parties or witnesses. The Court to which any such case or appeal is so transferred shall have jurisdiction to try the same in accordance with the provisions of this Code."</p> <p>(8) Nothing in the Code as applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects.</p>
80. The Indian Post Office Act, 1898 (VI of 1898).	All Administered Areas in Central India except the Sutna Agency Area.	.....
81. The Indian Stamp Act, 1899 (II of 1899).	All Administered Areas in Central India except the Sutna Agency Area.	<p>(1) Sections 57, 58 and 59 shall be omitted.</p> <p>(2) In sub-section (1) of section 60, the words "other than a Court mentioned in section 57" and "or Chief Court....." shall be omitted.</p>

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
31. The Indian Stamp Act, 1899 (II of 1899)— <i>contd.</i>		<p>(3) In sub-section (2) of section 60, the words "as if it had been referred under section 57" and "under the seal... .. another like copy" shall be omitted.</p> <p>(4) After section 75, the following section shall be inserted, namely:—</p> <p>" 75A Notwithstanding anything contained in this Act, the Governor General in Council may, by notification in the <i>Gazette of India</i>, apply to any of the areas to which this Act has been applied, any rules under section 75 of the Indian Stamp Act, 1899, which are for the time being in force in British India, subject to any amendments to which such rules are for the time being subject in British India and with such modifications as may be specified in the notification, and any rules so applied shall have effect in the said places as if made under this Act."</p>
32. The Prisoners Act, 1900 (III of 1900).	All Administered Areas in Central India	<p>(1) After section 18, the following shall be inserted as section 18-A, namely:—</p> <p>" 18-A. Where a Court or tribunal of a State in Central India, other than as described in sub-section (3) of section 18, passes a sentence of death which cannot be executed without the concurrence of the Agent to the Governor General in Central India, and the same has been duly confirmed, the Agent to the Governor General may, on the application of the State, authorize the warrant for the execution of the sentence to be addressed to the officer in charge of such prison as he may direct and thereupon such officer shall, on receipt of the warrant, cause the execution to be carried out as prescribed in sub-section (1) of section 18."</p> <p>(2) In section 19 and sub-section (1) of section 32, for the words "the Province" the words "British India or Berar" and for the words "Local Government" the words "Governor General in Council" shall be substituted.</p>

Enactments applied.	Areas to which applied	Further modifications and restrictions.
32. The Prisoners Act, 1900 (III of 1900) — <i>contd.</i>		<p>(3) In sub-section (1) of section 29, the words "British India" shall remain unmodified, and the word "other" shall be omitted.</p> <p>(4) In sub-section (2) of section 30, after the words "within the province" the words "or, with the sanction of the Governor General in Council, in British India" shall be inserted.</p> <p>(5) Sub-section (2) of section 33 shall be omitted.</p> <p>(6) If, on the application of any State in Central India, the Agent to the Governor General in Central India considers it desirable in the interests of justice that any person confined in any prison under the provisions of this Act shall attend before any Criminal Court in that State to give evidence in any matter pending before it, he may direct that such person shall be produced before such Court subject to such condition as he may prescribe.</p>
33. The Indian Works of Defence Act, 1903 (VII of 1903).	The Cantonments of Mhow and Nimach.	.....
34. The Indian Coinage Act, 1906 (III of 1906).	The Cantonments of Mhow, Nimach, Nowgong and Sehora, and the Indore Residency Bazaars.	.....
35. The Code of Civil Procedure, 1908 (Act V of 1908).	All Administered Areas in Central India except the Sutna Agency Area.	<p>(1) In sub-section (b) of section 2, section 10 and sub-rule 4 and 5 of rule 49 of Order XXI in the First Schedule, the words "British India" shall be read as referring to British India and the Cantonments of Mhow, Nimach, Nowgong and Sehora, the Indore Residency Bazaars, and the Civil Lines of Nowgong.</p> <p>(2) In the proviso to section 29 after the word "summonses" the words "are situate in British India or" shall be inserted.</p> <p>(3) For section 43, the following shall be substituted, namely:—</p> <p>43. <i>Execution of Decrees of British Courts.</i>—Any decree passed by a Civil Court in British India or by any Court established or continued by the authority of the Governor General in Council may, if it cannot be executed within</p>

# 32 ADMINISTERED AREAS IN CENTRAL INDIA.—(V.—Acts locally applied.)

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
35. The Code of Civil Procedure, 1908 (Act V of 1908)— <i>contd.</i>		<p>the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the jurisdiction of any Court in the Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Basars, and the Civil Lines of Nowgong.</p> <p>(4) In section 45, before the words "any Court" the words "any Court situate in British India, or to" shall be inserted.</p> <p>(5) For clause (b) of section 78, the following shall be substituted, namely:—</p> <p>"(b) Courts situate in British India or in any other part of the British Empire, or"</p> <p>(6) To rule 25 of Order V in the First Schedule the following shall be added, namely:—</p> <p>'Provided that, if the defendant resides in British India, the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides and if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of service.'</p> <p>(7) The provisions of rule 48 of Order XXI in the First Schedule shall apply only to those cases in which the salary or allowances are payable in the Administered Areas in Central India.</p>
36. The Indian Limitation Act, 1908 (IX of 1908).	All Administered Areas in Central India except the Sutna Agency Area.	<p>(1) In section 13 the words "British India" shall be read as referring to British India and the territories of States in Central India including all Administered Areas.</p> <p>(2) Sections 30 and 31 and the second schedule shall be omitted.</p>
37. The Indian Registration Act, 1908 (XVI of 1908).	All Administered Areas in Central India except the Sutna Agency Area.	in section 33, the words "British India" shall be read as referring to British India and the Administered Areas in Central India.
38. The Whipping Act, 1909 (IV of 1909).	All Administered Areas in Central India.	Section 6 shall be omitted.

**ADMINISTERED AREAS IN CENTRAL INDIA.—(V.—*Acts locally applied.*)** 33

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
39. The Indian Electricity Act, 1910 (IX of 1910).	All Administered Areas in Central India.	(1) For sub-section (3) of section 1, the following shall be substituted, namely:— “(3) It shall come into force in the Cantonment of Mhow forthwith and in other Administered Areas on such date or dates as the Governor General in Council may, by notification in the <i>Gazette of India</i> direct in this behalf.” (2) Sub-sections (1), (2) and (3) of section 38 shall be omitted.
40. The Indian Aircraft Act, 1911 (XVII of 1911).	The Cantonment of Mhow.	(1) Sub-section (2) of section 1, and sub-section (2) of section 4, shall be omitted. (2) In section 6, after the words “any rule made” the words “or notification issued” shall be inserted.
41. The Indian Lunacy Act, 1912 (IV of 1912).	All Administered Areas in Central India.	(1) To clause (1) of section 3, the following shall be added, namely:— “and includes all asylums or mental hospitals for lunatics established or licensed by Government in British India.” (2) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a State in India, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and, in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted.
42. The Wild Birds and Animals Protection Act, 1912 (VIII of 1912).	All Administered Areas in Central India except the Sutna Agency Area.	.....
43. The Indian Motor Vehicles Act, 1914 (VIII of 1914).	All Administered Areas in Central India.	(1) Sub-sections (2) and (3) of section 1 and the Schedule shall be omitted. (2) In section 6, after the words “in the prescribed manner” the words “or under the Indian Motor Vehicles Act, 1914, as in force in British India or under the law for the time being in force in any State in India” shall be inserted. (3) In section 17, for the words “Presidency Magistrate” the words “District Magistrate” and for the words “Second Class” the words “First Class” shall be substituted.

84 ADMINISTERED AREAS IN CENTRAL INDIA.—(V.—*Acts locally applied.*)

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
43. The Indian Motor Vehicles Act, 1914 (VIII of 1914)— <i>contd.</i>		(4) The following shall be added as section 19, namely:— “19. The Central India Agency Notifications Nos. 1217 and 4246, dated the 1st March 1924 and 18th August 1924, respectively, shall be cancelled: Provided that any appointment, notification, order, rule, form or licence made or issued under either of the said notifications, shall, so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been issued, under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, rule, form or licence made or issued under this Act.”
44. The Cinematograph Act, 1918 (II of 1918).	All Administered Areas in Central India.	.....
45. The Usurious Loans Act, 1918 (X of 1918).	The Cantonments of Mhow, Nimach and Nowgong, the Indore Residency Bazaars and the Civil Lines of Nowgong.	.....
46. The Provincial Insolvency Act, 1920 (V of 1920).	All Administered Areas in Central India except the Sutra Agency Area.	.....
47. The Identification of Prisoners Act, 1920 (XXXIII of 1920).	All Administered Areas in Central India.	.....
<i>Acts of the Indian Legislature.</i>		
48. The Income-tax Act, 1922 (XI of 1922).	All Administered Areas in Central India.	Only so much of the Act shall apply as relates to the assessment and collection of income-tax on salaries received by persons who are in the service of, and paid by or on behalf of Government or a local authority established in the exercise of the powers of the Governor General in Council.
49. The Cantonments (House - Accommodation) Act, 1928 (VI of 1928).	The Cantonments of Mhow, Nimach and Nowgong.	Sub-section (1) of section 86 shall be omitted.
50. The Indian Paper Currency Act, 1928 (X of 1928).	All Administered Areas in Central India.	Only the following sections shall apply as hereby modified, namely:— “14. A universal currency note for the time being of British India, and any other currency note of British India which the Governor General in Council may from time to time direct, shall be a legal tender for

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
50. The Indian Paper Currency Act, 1928 (X of 1928)— <i>contd.</i>		<p>the amount expressed in the note in payment or on account of—</p> <p>(a) any revenue or other claim to the amount of five rupees or upwards due to Government, and</p> <p>(b) any sum of five rupees or upwards due by Government or by any body corporate or person.</p> <p>25. No person shall draw, accept, make, or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such person:</p> <p>Provided, that cheques or drafts, payable to bearer on demand or otherwise, may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts.</p> <p>26. (1) Any person contravening the provisions of section 25 shall, on conviction by a Magistrate of the first class, be punishable with a fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed.</p> <p>(2) Every prosecution under this section shall be instituted by a person empowered in this behalf by the Agent to the Governor General in Central India with the sanction of the Governor General in Council.”</p>
51. The Cantonments Act, 1924 (II of 1924).	The Cantonments of Mhow, Nimach and Nowgong.	<p>(1) For section 3 the following shall be substituted, namely:—</p> <p>“ 3. The Governor General in Council may, by notification in the <i>Gazette of India</i> define or alter the limits of the Cantonments of Mhow, Nimach and Nowgong for the purposes of this Act and of all other enactments for the time being in force.”</p> <p>(2) Sections 4 to 8 inclusive shall be omitted.</p> <p>(3) For clause (i) of sub-section (2) of section 27 the following shall be substituted, namely:—</p> <p>“(i) is not a British subject or a subject of a State in India, or,”</p>



36 ADMINISTERED AREAS IN CENTRAL INDIA.—(*V.—Acts locally applied.*)

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
51. The Cantonments Act, 1924 (II of 1924)— <i>contd.</i>		<p>(4) Section 45 shall be omitted.</p> <p>(5) In section 60, for the words "within the province" the words "in British India" shall be substituted.</p> <p>(6) In sub-section (1) of section 280 the words "after previous publication" shall be omitted.</p> <p>(7) After sub-section (2) of section 281 the following sub-section shall be inserted, namely:—</p> <p>"(3) Whenever the Governor General in Council has, by a notification in the <i>Gazette of India</i>, made under section 280 rules for any cantonment in British India, or any part of such cantonment, the Governor General in Council may, by notification in the <i>Gazette of India</i>, declare the rules so made to be in force in the Cantonments of Mhow, Nimach and Nowgong, or any part thereof, subject to any amendments to which the rules may be subject in British India and subject also to such restrictions and modifications, if any, as he may think fit. The rules shall thereupon be in force in the Cantonments of Mhow, Nimach and Nowgong or part thereof, as the case may be, until the Governor General in Council shall otherwise direct."</p>
52. The Indian Soldiers (Litigation) Act, 1925 (IV of 1925).	All Administered Areas in Central India.	Sub-section (3) of section 1 shall be omitted.
53. The Provident Funds Act, 1925 (XIX of 1925).	All Administered Areas in Central India.	Sub-section (3) of section 1 shall be omitted.
54. The Indian Succession Act, 1925 (XXXIX of 1925).	All Administered Areas in Central India except the Sutna Agency Area.	<p>(1) Only sections 1 to 56, section 58 subject to the modification set out below, sections 59 to 263, sub-section (1) of section 264, sections 265 to 381, section 382 in the modified form set out below, sections 383 to 392, and Schedules, I, II and IV to IX shall apply.</p> <p>(2) Section 58 shall be modified as follows, namely:—</p> <p>In sub-section (1) the words "save as provided by section 57" shall be omitted.</p> <p>(3) Section 382 shall apply in the following modified form, namely:—</p> <p>"382. Where a certificate in the form of Schedule VIII to this Act has been granted under the provisions of this Act by a Court hav-</p>

**ADMINISTERED AREAS IN CENTRAL INDIA.—(V.—Acts locally applied.)** 37

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
54. The Indian Succession Act, 1925 (XXXIX of 1925) — <i>contd.</i>		ing jurisdiction under the Act in British India or under the Act as applied in any area outside British India which is under the Administration of the Governor General in Council, or where a certificate in the form as nearly as circumstances admit, of the said Schedule has been granted to a resident within a Foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect as a certificate granted or extended under this Act."
<i>Act of the Legislative Council of the Governor of the United Provinces.</i>		
1. The Intermediate Education Act, 1921 (United Provinces Act II of 1921).	All Administered Areas in Central India.	(1) Only sub-section (1) of section 1; clauses (a), (b), (d) and (e) of section 2 as modified below, sub-sections (1) to (9) and sub-section (12) of section 7; and section 19 shall apply. (2) In section 2— (a) in clause (a) "Board" shall mean "the Board of High School and Intermediate Education constituted by an Act of the Legislature of the United Provinces of Agra and Oudh known as the Intermediate Education Act, 1921." (b) in clause (e) "Regulations" shall mean "Regulations made by the Board under the Act and having effect in the United Provinces of Agra and Oudh."
<i>Act of the Legislative Council of the Governor of the Punjab.</i>		
1. The Court-fees Punjab (Amendment) Act, 1922 (Punjab Act VII of 1922). <sup>1</sup>	All Administered Areas in Central India except the Sutna Agency Area.	(1) For sub-section (3) of section 1 the following sub-section shall be substituted, namely:— "(3) It shall come into force with effect from the 31st July 1924". (2) Sections 6 and 12 shall be omitted.

[Gazette of India, 1929, Pt. I, p. 605.]

<sup>1</sup> The Court-fees (Punjab Amendment) Act, 1922, has been amended by the Punjab Court-fees (Amendment) Act, 1926 (Punjab Act I of 1926) and the Punjab Court-fees (Second Amendment) Act, 1926 (Punjab Act VI of 1926), but neither of these two Acts (I and VI of 1926) is deemed to have come into force in the Administered Areas in Central India, until the 23rd March, 1929. See Notification No. 145-I., dated the 23rd March, 1929. Gazette of India, 1929, Pt. I, p. 354.







## MHOW, NIMACH AND NOWGONG CANTONMENTS.

The following British Enactments are in force in Mhow, Nimach and Nowgong Cantonments:—

- |   |   |                                    |
|---|---|------------------------------------|
| I.—Statutes.  | } | <i>See supra</i> , pages 19 to 37. |
| II.—Acts of the Governor General in Council and of the Indian Legislature.              |   |                                    |
| III.—Orders under Statutes.   |   |                                    |
| IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature. |   |                                    |
| V.—Acts locally applied.  |   |                                    |
| VI.—Local Laws.— <i>See infra</i> , pages 40 to 66.                                     |   |                                    |
| VII.—Orders relating to Courts.— <i>See infra</i> , pages 67 to 80.                     |   |                                    |
| VIII.—Orders under Acts locally applied.— <i>See infra</i> , pages 81 to 369.           |   |                                    |
| IX.—Orders under Local Laws.— <i>See infra</i> , pages 371 to 445.                      |   |                                    |

## VI.—Local Laws.

*Publication of newspapers and other printed works.*

*No. 2651-I., dated the 25th June, 1891.—Printed in Appendix XVII.*

*Provision for execution of capital sentences in British India.*

*No. 1431-I., dated the 27th April, 1893.—Printed in Appendix XIX.*

### *Central India (Administered Areas) Excise Law, 1917.*

*No. 235-I. B., dated the 22nd January, 1918.*—Whereas it is expedient to amend the law relating to spirit, fermented liquor and intoxicating drugs in the Cantonments of Mhow and Nimach, the Cantonment and Civil Lines of Nowgong, and the Indore Residency Bazars, the Governor General in Council, in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, is pleased to provide as follows:—

1. *Short title, extent and commencement.*—(1) This law may be called the “Central India (Administered Areas) Excise Law, 1917”.

(2) It extends to the Cantonments of Mhow and Nimach, the Cantonment and Civil Lines of Nowgong, and the Indore Residency Bazars, and may be applied by the Governor General in Council by notification to any other Administered Areas in Central India.

(3) It shall come into force on the 1st February, 1918.

[2. (1) In this law, unless there be something repugnant in subject or context,—

(a) “admixture of opium” means any preparation, admixture or derivative of opium not being prepared opium or morphia;

(b) “cocaine” means the principal alkaloid of *Erythroxylon Coca*, having the chemical formula  $C_{17}H_{21}NO_4$ ;

(c) “cocaine drugs” includes—

(i) cocaine and all parts of the coca plant;

(ii) any \* \* \* derivative of cocaine or of its salts which is declared by notification of the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, to be included in the meaning of the term “cocaine drugs”;

(iii) <sup>2</sup>[eucaine] and every other preparation, synthetic or otherwise, in regard to which a like declaration is made;

(iv) any preparation containing cocaine drugs;

<sup>1</sup> Substituted by Notification No. 380-Int., dated the 5th March, 1923. *Gazette of India*, 1923, Pt. I, p. 210.

<sup>2</sup> Omitted by Notification No. 142-I., dated the 3rd December, 1923. *Gazette of India*, 1923, Pt. I, p. 1680.

<sup>3</sup> Substituted by Notification No. 1038—1373-I., dated the 4th July, 1923. *Gazette of India*, 1923, Pt. I, p. 635.

(d) “denatured” means rendered unfit for human consumption in such manner as the Agent to the Governor General in Central India may, by notification, prescribe, or in relation to spirit imported from British India in such manner as may be prescribed by the law in force in the province of origin;

(e) “export” means to take out of any Administered Area in which this law is in force to any place outside that Area;

(f) “fermented liquor” means malt liquor, wine, pachwai and fermented tari, and shall, in any provision of this law, if the Agent to the Governor General in Central India, subject to the control of the Governor General in Council, so directs, include any other fermented liquor, and also tari though it may not have perceptibly begun to ferment;

(g) “hemp drugs” means the leaves and flowering tops of the hemp plant (*cannabis sativa*) and ganja, bhang, charas and every preparation or admixture thereof;

(h) “heroin” means diacetyl-morphine, having the chemical formula  $C_{21}H_{23}NO_6$  and includes its salts and all preparations containing heroin;

(i) “import” means to bring into any Administered Area in which this law is in force from any place outside that Area;

(j) “intoxicating drug” includes opium, admixtures of opium, prepared opium, poppy heads, morphia, cocaine drugs, hemp drugs and every other article which may be declared by the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council to be included in the term “intoxicating drug”;

(k) “local excise authority” means—

- (i) as regards the Cantonments of Mhow and Nimach and the Cantonment and Civil Lines of Nowgong the Cantonment Magistrate <sup>1</sup>[or such authority as the Agent to the Governor General in Central India may, by notification, direct];
- (ii) as regards the Indore Residency Basars, the Assistant to the Agent to the Governor General in Central India in charge; and
- (iii) as regards any other Administered Area to which this law may hereafter be applied, such authority as the Agent to the Governor General in Central India may, by notification, direct;

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<sup>1</sup> Inserted by Notification No. 64-I., dated the 26th September, 1928. *Gazette of India*, 1928, Pt. I, p. 1267.



(l) "manufacture" includes every process, whether natural or artificial, by which any spirit, fermented liquor or intoxicating drug is produced or prepared, and also re-distillation and every process for the rectification, flavouring, blending or colouring of spirit or fermented liquor;

(m) "medical opium" means opium which has been heated to 60° Centigrade and contains not less than 10 per cent. of morphia, whether or not it be powdered or granulated or mixed with indifferent materials, and includes preparations and derivatives of the foregoing;

(n) "morphia" means the principal alkaloid of opium, having the chemical formula  $C_{17}H_{19}NO_3$  and includes—

(i) heroin,

(ii) medicinal opium,

(iii) any \* \* \* derivatives of morphia or of its salts and any other alkaloid of opium, which is declared by notification of the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council to be included in the meaning of the term "morphia",

(iv) any preparation containing morphia;

(o) "opium" means the spontaneously coagulated juice obtained from the capsules of the poppy plant (*papaver somniferum*), which has only been submitted to the necessary manipulations for packing and transport;

(p) "place" includes a house, building, shop, booth, tent, vessel, raft and vehicle;

(q) "poppy heads" means capsules of the poppy plant (*papaver somniferum*) from which the juice has not been extracted;

(r) "prepared opium" means the product of opium, obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for smoking, and includes *madak* and *chandu* and also the dross and all other residues remaining when prepared opium has been smoked;

(s) "ser" means a weight of eighty tolas;

(t) "spirit" means any liquor containing alcohol obtained by distillation;

(u) "tari" means the sap of any kind of palm tree;

(v) "tola" means a weight of one hundred and eighty grains Troy;

(w) "transport" means take from one place to another in an Administered Area in which this law is in force;

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<sup>1</sup> Omitted by Notification No. 142-I., dated the 3rd December, 1923. *Gazette of India*, 1923, Pt. I, p. 1686.

(a) the articles hereinafter specified shall be deemed to be sold "by retail" when sold in quantities not exceeding those hereinafter specified in respect of each such article respectively, that is to say—

<sup>1</sup>[foreign spirit, other than denatured spirit, or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles;

Country spirit, other than denatured spirit, one ser;]

<sup>2</sup>[denatured spirit, foreign or country, two gallons;]

country fermented liquor, four sers;

poppy heads, one ser;

opium and admixtures of opium, in the aggregate, five tolas or such smaller quantity as may be prescribed by the Agent to the Governor General by notification, either generally or for any Administered Area in which this law is in force;

bhang and preparations and admixtures thereof, in the aggregate, twenty tolas;

charas and ganju and preparations and admixtures thereof, in the aggregate, five tolas;

If sold in larger quantities, they shall be deemed to be sold "by wholesale";

(2) In any case in which doubt arises the Agent to the Governor General in Central India may decide what, for the purposes of this law, shall be deemed to be "country spirit", "country fermented liquor", "foreign spirit" and "foreign fermented liquor", and his decision shall be binding on the courts.

3. *Manufacture of spirit and liquor without license prohibited.*—No person shall construct, work or possess a distillery, still or brewery, or manufacture <sup>3</sup>[spirit or] fermented liquor, except under a license granted by the local excise authority and in accordance with the conditions (if any) contained therein.

4. *Duty on spirit and fermented liquor.*—No person shall remove any spirit or fermented liquor from any distillery, still or brewery licensed under section 3 until—

(a) such duty as the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, may from time to time prescribe in respect of such spirit or fermented liquor, has been paid; or

(b) a bond for such duty has been executed.

<sup>1</sup> Substituted by Notification No. 502-I., dated the 12th October, 1925. *Gazette of India*, 1925, Pt. I, p. 244.

<sup>2</sup> Substituted by Notification No. 58-I., dated the 12th January, 1928. *Gazette of India*, 1928, Pt. I, p. 19.

<sup>3</sup> Inserted by Notification No. 380-Int., dated the 5th March, 1923. *Gazette of India*, 1923, Pt. I, p. 210.

*Explanation.*—Duties may be prescribed under this section at different rates according to the class and strength of the spirit or fermented liquor and to the place to which it is to be removed.

5. *Preparation of intoxicating drug without license prohibited.*—No person shall prepare any intoxicating drug in excess of the quantity which he is authorised to possess under section 15, or shall cultivate any plant from which any such drug may be produced, except under a license granted by the local excise authority and in accordance with the conditions (if any) contained therein.

6. *Sale of spirit, fermented liquor or intoxicating drugs, without license prohibited.*—No person shall sell any spirit, fermented liquor or intoxicating drug, except under a license granted by the local excise authority and in accordance with the conditions (if any) contained therein :

Provided as follows:—

(a) Nothing in this section shall apply to—

(i) the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting the station or after his decease;

(ii) the sale of opium lawfully imported into and possessed in the Indore Residency Bazars, to an officer or person authorised by permit or otherwise to import it into the State or other area to which it is to be removed, if it is sold in quantities not less than a ser at a time for immediate removal.

(b) Any person making or producing country spirit or country fermented liquor or preparing intoxicating drugs in accordance with the provisions of this law may, subject to any rules from time to time made by the Agent to the Governor General in Central India in this behalf, sell such spirit, liquor or drug to any person licensed under this law as a retail vendor of such spirit, liquor or drug.

<sup>1</sup>[(c) No person shall sell prepared opium in any circumstances. ;

7. *Employment of children and women on licensed premises prohibited.*—(1) No person who is licensed to sell any spirit, fermented liquor or intoxicating drug for consumption on his premises shall, during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration, any child under the age of 14 years or such higher age as the Agent to the

<sup>1</sup> Substituted by Notification No. 380-Int., dated the 5th March, 1923. *Gazette of India*, 1923, Pt. I, p. 210.

Governor General in Central India may, by rule, prescribe in this behalf, in any part of such premises in which such spirit, fermented liquor or intoxicating drug is or may be consumed by the public.

(2) No person who is licensed to sell any spirit, fermented liquor or intoxicating drug for consumption on his premises shall, without the previous permission in writing of the local excise authority, during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration, any woman in any part of such premises in which such spirit, fermented liquor or intoxicating drug is or may be consumed by the public.

(3) Every permission granted under sub-section (2) shall be endorsed on the license and may be modified or withdrawn.

8. *Licenses for sale of spirit, fermented liquor and intoxicating drugs*.—(1) Subject to any rules made by the Agent to the Governor General in Central India under this law, the local excise authority may grant licenses for the sale, wholesale or retail, of foreign or country spirit or fermented liquor, or of intoxicating drugs.

(2) Any license granted under this <sup>1</sup>[section] may be cancelled by the local excise authority for any cause specified therein.

9. *Cancellation of license*.—(1) Whenever the local excise authority considers that the license of a vendor of country spirit, country fermented liquor, or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Agent to the Governor General in Central India may direct.

(2) On the expiration of such notice or the payment of such additional compensation, the local excise authority may cancel the said license.

10. *Surrender of license*.—(1) Any retail vendor licensed under this law may surrender his license on the expiration of one month's previous notice given by him to the local excise authority of his intention to surrender the same and on payment of such sum not exceeding the amount of the license fee for six months, as the local excise authority may fix in this behalf.

(2) If the local excise authority is satisfied that there is sufficient reason for surrendering a license, he may remit the sum so fixed.

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<sup>1</sup> Substituted by Notification No. 390-Int., dated the 5th March, 1928. *Gazette of India*, 1928, Pt. I, p. 210.

11. *Farming of fees and grant of licenses by farm.*—(1) The local excise authority, with the sanction of the Agent to the Governor General in Central India, may let in farm—

- (a) the fees leviable on <sup>1</sup>[licenses] for the retail sale of any description of country spirit or country fermented liquor or of intoxicating drugs;
- (b) the right to manufacture country spirit or country fermented liquor;
- (c) the right to prepare intoxicating drugs.

(2) When the fees so leviable, or the right to manufacture such spirit or liquor, or the right to prepare such drugs are or is let in farm, singly or together, as the case may be, the farmer may subject to such reservations or restrictions as the local excise authority, with the sanction of the Agent to the Governor General in Central India, may, from time to time, make or impose, grant licenses for the retail sale, or for the manufacture, or preparation, singly or together, as the case may be, of such articles within the local limits of his farm and shall file in the office of the local excise authority a list of all the licenses granted by him, in such form and on such days as the Agent to the Governor General in Central India may, from time to time, prescribe in this behalf.

12. *Cancellation of farm.*—The local excise authority, with the sanction of the Agent to the Governor General in Central India, may cancel any farm granted under this law.

13. *Compensation to farmers in certain cases.*—If any farm granted under this law is cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of licenses is made or imposed within the term of such farm, the farmer shall be entitled to receive, for any loss which he sustains thereby, such compensation as the Agent to the Governor General in Central India may determine.

14. *Prohibition of dealings in spirit, fermented liquor and intoxicating drugs.*—The Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council may, from time to time by notification in the *Gazette of India*, prohibit in any area specified in such notification, either absolutely or subject to such conditions as he may prescribe, the import, export, transport, possession, or sale of any spirit, fermented liquor or intoxicating drug <sup>2</sup>[or the manufacture of any intoxicating drug], and may, by a like notification, cancel or vary any such prohibition.

<sup>1</sup> Substituted by Notification No. 880-Int., dated the 5th March, 1928. *Gazette of India*, 1928, Pt. I, p. 210.

<sup>2</sup> Inserted by Notification No. 650-I. B., dated the 20th February, 1919. *Gazette of India*, 1919, Pt. I, p. 419.

15. *Possession of spirit, etc., when lawful.*—<sup>1</sup>[(1) No person shall have in his possession more than half a tola of prepared opium];

(2) \* \* \* \* \* No person shall have in his possession any quantity of any spirit, fermented liquor or intoxicating drug in excess of that specified in <sup>1</sup>[clause (x) or sub-section (1) of section 2], in respect of such spirit, liquor or drug, except under the authority and in accordance with the terms and conditions of a license or permit granted by the local excise authority in that behalf.

(3) Nothing in sub-section (2) shall apply to—

- (a) any foreign <sup>2</sup>[spirit or fermented] liquor other than denatured spirit in the possession of any common carrier or warehouseman as such,
- (b) any foreign <sup>3</sup>[spirit or fermented] liquor lawfully procured by, and in the possession of, any person for his own *bond fide* private consumption and not for sale,
- (c) *tari* intended to be used solely for the manufacture of *gun* or molasses,
- (d) in the case of the Indore Residency Bazars, opium brought into the Indore Residency Bazars for immediate weighing at the Government opium scales and lawfully in transit to or from the same.

16. *Imported country spirit, liquor and intoxicating drugs subject to duty.*—(1) No person shall import, transport or export any country spirit or country fermented liquor or intoxicating drug, in excess of the quantity which he is authorised to possess under section 15, or if the Agent to the Governor General in Central India by notification so directs, in any quantity, until he has obtained a pass therefor from the local excise authority or such other officer as may be empowered by the Agent to the Governor General in Central India to issue such passes, and has paid in respect thereof such duty, if any, at such time and place and in such manner as the Agent to the Governor General in Central India with the previous sanction of the Governor General in Council, may prescribe.

(2) Duties may be prescribed under this section at different rates according to the places into, within or from which country spirit, country fermented liquor or intoxicating drugs is or are imported, transported or exported.

(3) This section shall not apply to opium in quantities exceeding 5 tolas which is brought direct to the Government opium scales in the

<sup>1</sup> Substituted by Notification No. 380-Int., dated the 5th March, 1923. *Gazette of India*, 1923, Pt. I, p. 210.

<sup>2</sup> Omitted by ditto.

<sup>3</sup> Inserted by ditto.

Indore Residency Bazars without breaking bulk in transit. But if such opium is not at once exported through the scales, it shall immediately be removed beyond the limits of the Indore Residency Bazars unless its retention within those limits is authorised by a permit or license granted by the local excise authority.

17. *Bonded warehouses.*—The Agent to the Governor General in Central India may from time to time—

- (a) establish or license bonded warehouses for the storage of spirit, fermented liquor or intoxicating drugs,
- (b) direct that, subject to such conditions (if any) as he may from time to time impose, the levy of the duty (if any) payable under section 16 on spirit, fermented liquor or intoxicating drugs in transit to or from or stored in such warehouses shall be postponed until such time as may, by rule, be fixed in this behalf.

18. *Warehouse dues.*—(1) If spirit, fermented liquor or intoxicating drugs be lodged in a warehouse established under the last foregoing section, the owner shall pay from time to time, on receiving a bill or written demand for the same from the officer appointed by the Agent to the Governor General in this behalf, warehouse dues at such rates, if any, as the Agent to the Governor General may fix.

(2) If any bill for warehouse dues presented under this section is not discharged within ten days from the date of presentation, the local excise authority may in discharge of such demand (any transfer or assignment of the spirit, liquor or drugs notwithstanding) cause to be sold, in such manner as he may think fit, such sufficient portion of the spirit, fermented liquor or intoxicating drugs as he may select.

(3) Out of the proceeds of such sale the local excise authority shall satisfy first the duty payable in respect of the spirit, fermented liquor or intoxicating drugs sold, and next, the demand in respect of which the sale was made, and shall then pay the surplus (if any) to the owner of the spirit, fermented liquor or intoxicating drugs on his application :

Provided that if the spirit, fermented liquor or intoxicating drugs fail to produce a sum sufficient to satisfy the said duty and demand, the same shall not be sold, but shall be destroyed by or by order of the said officer :

Provided also that the application for such surplus (if any) as aforesaid be made within one year from the sale of the spirit, fermented liquor or intoxicating drugs, or that sufficient cause be shown for not making it within such period.

19. *Recovery of dues.*—The local excise authority may recover any amount due to the Government under this law, or the rules thereunder, by distress and sale of the movable property of the person from whom

such amount is due, or of his surety, or by any other process for the time being in force in British India for the recovery of arrears of land revenue due from land holders or from farmers of land or their sureties.

20. *Power to inspect shops and premises.*—Any Magistrate or Police officer not below the rank of a Sub-Inspector may enter and inspect at any time, by day or by night, the shop or premises in which any manufacturer or vendor licensed under this law carries on the manufacture of country spirit or the sale of country spirit, country fermented liquor or intoxicating drugs.

21. *Power to arrest and detain persons carrying spirits, etc., liable to confiscation.*—Any Police officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug, liable to confiscation under this law, and may seize such spirit, liquor or drug, together with any vessels, packages or coverings in which it is contained, and any animals and conveyances used in carrying it, and may also arrest the person in whose possession such spirit, liquor or drug is found.

22. *Power to arrest persons in possession of article liable to confiscation.*—Any Police officer in charge of a station or of or above the rank of head constable may arrest any person having in his possession any article liable to confiscation under this law or engaged in the unlawful sale of any spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or drug.

23. *Power to search on information of illegal manufacture or possession.*—Whenever any Police officer in charge of a station or of or above the rank of head constable has reason to believe from information given by any person (which information shall be taken down in writing) that in any place spirit is unlawfully manufactured, or any article liable to confiscation under this law is kept or concealed, such officer may, after sunrise and before sunset, enter into such place and, in case of resistance, may break open any door by force and remove any other obstacle to such entry, and may seize and carry away such spirit or article, and may also arrest the occupier of the place, with all other persons concerned in the manufacture of such spirit or in the keeping or concealing of such article.

24. *Issue of warrant for arrest in certain cases.*—The local excise authority may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing or from the proceedings in any case under this or any other law, to be engaged in the unlawful sale of spirit or fermented liquor or intoxicating drugs or to have in his possession any article liable to confiscation under this law.

25. *Issue of search warrant in certain cases.*—(1) The local excise authority may issue his warrant for the search of any place in which he has reason to believe, either from information in writing or from the proceedings in any case under this or any other law, that spirit is



unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this law is kept or concealed.

(2) Such warrant may be executed by any Police officer in charge of a station or of or above the grade of head constable, at the time and in the manner prescribed in section 23.

(3) Whenever the local excise authority thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant especially authorising the search to be so made. Such warrant may be executed by any Police officer as aforesaid in the manner prescribed in section 23 and shall cease to be in force at sunrise on the day next following. |

**26. Police officer to report arrest, etc., and to take person arrested to local excise authority.**—Whenever a Police officer arrests any person, or seizes any article liable to confiscation under this law, or enters any place for the purpose of searching for any such article, he shall within twenty-four hours thereafter make a full report of all the particulars of such arrest, seizure or search, to his official superior, and shall, with all convenient despatch, take the person arrested or the article seized to the local excise authority. |

Provided that such officer may, instead of forwarding a person arrested to the local excise authority, take a bond with such sureties as he may think sufficient for the attendance of such person before the local excise authority on a date to be specified; and in such case he shall forward the bond taken to the local excise authority.

**27. Power to appoint Excise officers and invest them with powers of Police officers.**—(1) The local excise authority may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise revenue and for the prevention of offences against this law. The officers so appointed shall, in addition to their ordinary designation (if any), be styled Excise officers, and shall be invested with such of the powers of a Police officer under this law as the Agent to the Governor General in Central India may prescribe.

(2) Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be a Police officer within the meaning of this law.

**28. Penalty for illegal acts in relation to spirit and fermented liquor.**—(1) Whoever—

(a) in contravention of section 3, constructs, works or possesses a distillery, still or brewery, or manufactures <sup>1</sup>[spirit or foreign] fermented liquor; or

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<sup>1</sup> Inserted by Notification No. 380-Int., dated the 5th March, 1923. *Gazette of India*, 1923, Pt. 1, p. 210.

- (b) in contravention of section 4, or of any rule made under sub-section (2) of section 42 removes any spirit or fermented liquor from any distillery, still, brewery or warehouse;
- (c) in contravention of section 6 or of section 14, sells any spirit or fermented liquor;
- (d) in contravention of section 14 or of section 15, possesses any spirit or fermented liquor;¹
- (e) in contravention of section 14 or of section 16, imports, exports, or transports any spirit or fermented liquor;

shall be punishable with imprisonment which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

(2) All such spirit or fermented liquor, and all materials and implements collected for the purpose of manufacturing the same, vessels or packages containing such spirit, fermented liquor, materials or implements, and any animals and conveyances used in carrying the same shall be liable to confiscation.²

20. *Penalty for illegal acts in relation to intoxicating drugs.*—

{1) Whoever—

(a) in contravention of section 5,—

(i) cultivates any plant from which any intoxicating drug can be produced,³

(ii) manufactures \* \* \*¹ or prepares any intoxicating drug;

(b) in contravention of section 6 or of section 14, sells any intoxicating drug;

(c) in contravention of section 14 or of section 15, possesses any intoxicating drug;⁴

(d) in contravention of section 14 or of section 16, imports, exports, \* \* \* transports²[or manufactures] any intoxicating drug;

(e) being in possession of opium lawfully imported under sub-section (3) of section 16, fails to dispose of the same in the manner thereby required;

(f) in contravention of any rule made under sub-section (2) of section 42, removes any intoxicating drug from a warehouse;⁵

shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

¹ Omitted by Notification No. 394-Int., dated the 5th March, 1923. *Gazette of India*, 1923, Pt. I, p. 210.

² Omitted and inserted by Notification No. 650-I.B., dated the 20th February, 1919. *Gazette of India*, 1919, Pt. I, p. 419.

(2) All such plants, or intoxicating drugs, together with the vessels or packages containing the same and any animals or conveyances used in carrying the same shall be liable to confiscation.

30. *Penalty for permitting drunkenness, riot or gaming, etc., in shop.*—Whoever, being licensed to sell by retail, spirit or fermented liquor, or intoxicating drugs, permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for spirit, fermented liquor or intoxicating drugs, or in contravention of section 7 employs or permits to be employed on any part of his licensed premises referred to in that section any child or woman, shall be punishable with fine which may extend to two hundred rupees.

31. *Penalty for refusing to produce pass, etc.*—Whoever, holding a license or pass under this law, refuses to produce the same on the demand of any Police officer, and whoever commits a breach of any rule made under this law or of any condition of a license granted thereunder, for the breach of which rule or condition no other penalty is provided by this law, shall be punishable with fine which may extend to fifty rupees.

32. *Penalty for conniving at illegal manufacture or sale.*—(1) Whoever, being the owner or occupier of land, or the agent of any such owner or occupier, authorises or connives at the illegal manufacture of spirit <sup>1</sup>[or fermented liquor] or the preparation of intoxicating drugs, or the illegal sale of spirit or fermented liquor or intoxicating drugs, shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever, being a servant of Government or of a Local Fund, authorises or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug shall be punishable with fine which may extend to five hundred rupees.

33. *Penalty for vexatious search, seizure or arrest.*—Whoever, being a Police officer—

(1) without reasonable grounds of suspicion searches, or causes to be searched, any place or

(2) vexatiously and unnecessarily seizes the movable property of any person on the pretence of seizing or searching for any article liable to confiscation under this law, or

(3) vexatiously and unnecessarily arrests any person, or

(4) commits any other excess not required for the execution of his duty

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

<sup>1</sup> Inserted by Notification No. 380-Int., dated the 5th March, 1923. *Gazette of India*, 1923, Pt. I, p. 210.

34. *Penalty for neglecting to report arrest, etc.*—Whoever, being a Police officer, in contravention of section 26 neglects to report the particulars of any arrest, seizure, or search, or delays taking to the local excise authority any person arrested or any article seized under this law, shall be punishable with fine which may extend to two hundred rupees.

35. *Attempts and abetment.*—Whoever attempts to commit any offence under this law or abets the commission of any such offence, or receives or retains any spirit, fermented liquor, plant or intoxicating drug in respect of which he knows or has reason to believe that any such offence has been committed shall be punishable with the punishment provided for such offence.

36. *Enhanced punishment after previous conviction.*—Whoever, having been previously convicted of an offence punishable under section 28 or section 29, or under section 35 read with either of those sections, subsequently commits any such offence, shall be liable to twice the punishment which might be imposed on a first conviction.

37. *Presumption in regard to certain articles.*—In prosecutions under sections 28 and 29 or under either of those sections read with section 35, it shall be presumed, until the contrary is proved, that all articles for which the accused person is unable to account satisfactorily are articles in respect of which he has committed an offence under this law.

38. *Prosecutions restricted.*—No court shall take cognizance of any offence punishable under this law, unless the prosecution is instituted before the expiry of six months next after the commission of such offence.

Provided that nothing in this section shall apply to prosecutions instituted under section 29 in regard to the illegal import, export, or transport of any intoxicating drugs.

<sup>1</sup>39. *Local excise authority to order confiscation.*—Any article liable to confiscation under this law may, on the application of a Police or Excise officer, be confiscated by the order of the local excise authority.

<sup>2</sup>40. (1) The local excise authority if specially empowered by the Agent to the Governor General, may—

- (a) accept from any person whose license is liable to be cancelled under section 8 (2) or from any person who violates the terms and conditions of any license or permit granted under section 15 or is reasonably suspected of having committed any offence punishable under section 30 or section 31, a sum of money not exceeding Rs. 200 in lieu of cancellation of the license or by way of composition for the offence which may have been committed;

<sup>1</sup> Former section 39 was omitted, and the sections numbered by Notification No. 380-Int., dated 5th March, 1923. *Gazette of India*, 1923, Pt. I, p. 210.

<sup>2</sup> This section was inserted by Notification No. 3432-I.B., dated the 28th October, 1920. *Gazette of India*, 1920, Pt. I, p. 2053.

- (b) in any case in which property has been seized as liable to confiscation under this Law, release the same on payment of the value thereof as estimated by himself at any time before an order of confiscation has been passed.

(2) On the payment of any sum of money under clause (a) of subsection (1) the accused person, if in custody, shall be discharged and on the payment of any estimated value under clause (b) of that subsection any property seized shall be released, and no further proceedings shall be taken against such person or property, as the case may be.

41. *Control of the Agent to the Governor General.*—The local excise authority shall, in all executive proceedings under this law, be subject to the control of the Agent to the Governor General in Central India, and all executive orders passed by the local excise authority thereunder shall be appealable to the Agent to the Governor General in Central India.

42. *Power to make rules.*—(1) The Agent to the Governor General in Central India may make rules for the purpose of carrying out the provisions of this law.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Agent to the Governor General in Central India may make rules regarding—

- (a) the notices to be given by the proprietor of a licensed distillery or licensed brewery when he commences and discontinues work;
- (b) the size and description of stills;
- (c) the storing and passing out of the spirit made in such distillery or of the fermented liquor made in such brewery, and the contents of the passes;
- (d) the inspection and examination of such distillery or brewery and the warehouses connected therewith, and of the spirit or fermented liquor made and stored therein;
- (e) the furnishing of statements of the spirit and the stills, coppers, casks, and other utensils in such distillery, or of the fermented liquor and the mashtuns, underbacks, wort-receivers, coppers, heating tanks, coolers, and collecting, fermenting and other vessels in such brewery;
- (f) the mode in which *tari* shall be supplied to licensed vendors of the same;
- (g) the time, place and manner of payment of the duties (if any) imposed under section 16;
- (h) the management of warehouses established under section 17, the periods for which spirit or intoxicating drugs may be left therein, and their disposal on the expiry of such periods;

- (e) the manner in which, the period for which and the person to whom any license or farm under this law shall be granted;
- (f) the fee payable for any such license or farm and the time or the times at which it shall be payable;
- (g) the security to be given by any licensee or farmer under this law;
- (h) the form of any license or farming lease and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein;
- (i) the disposal of things confiscated under this law; and
- (j) the duties of Police officers for the purpose of this law.

43. *Power for the Agent to the Governor General to exempt articles and persons.*—The Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt in any area specified in such notification, either absolutely or subject to such conditions or restrictions as he may prescribe, any specified article or any specified class of persons from all or any of the provisions of this law or of any rule or notification made thereunder, and may, by a like notification, cancel or vary any such exemption.

44. *Repeal of laws.*—The Mhow, Nimach and Nowgong Excise Law, 1898, and the Indore Residency Bazaars Excise Law, 1904, are hereby repealed.

[*Gazette of India*, 1918, Pt. I, p. 81.]

#### *Central India (Administered Areas) Legal Practitioners Rules, 1923.*

No. 1015-1052-L., dated the 25th June, 1923.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to make the following rules to regulate the admission to practise and the practice of pleaders in the Court of the Agent to the Governor General in Central India and the Courts subordinate thereto, other than the Courts in the Gwalior Residency, and other matters connected therewith:—

## CHAPTER I.

### PRELIMINARY.

1. *Short title and commencement.*—(1) These Rules may be called the Central India (Administered Areas) Legal Practitioners Rules, 1923.

(2) They shall come into force at once.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context:—

- (a) "Agent to the Governor General" means the Agent to the Governor General in Central India.
- (b) "Pleader" means any persons holding a licence as a pleader granted under these Rules.
- (c) "Secretary" means the Secretary to the Agent to the Governor General in Central India.
- (d) "Subordinate Court" means any Court subordinate to the Agent to the Governor General other than the Courts in the Gwalior Residency.
- (e) "Tout" means any person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to any legal practitioner to procure his employment in any legal business in consideration of such remuneration.

## CHAPTER II.

### GENERAL PROVISIONS.

3. *Authority to practise.*—Except as provided in the Code of Civil V of 1908. Procedure, 1908, or the Code of Criminal Procedure, 1898, as applied V of 1898. to the Administered Areas in Central India, or in any other law for the time being in force or in these Rules, no person shall appear, plead or act for any other person in the Court of the Agent to the Governor General or in any subordinate Court without a licence in writing in this behalf issued under these rules.

## CHAPTER III.

### LICENCES OF PLEADERS.

4. *Admission of pleaders.*—The following persons may, if the Agent to the Governor General thinks fit, be admitted as pleaders and granted licences to practise:—

- (a) A barrister of England or Ireland or a member of the Faculty of Advocates in Scotland;
- (b) any person holding the degree of Bachelor of Laws of a university incorporated by law in British India or of a university of Great Britain or Ireland;
- (c) any person who has passed the examination prescribed for High Court pleaders in any province of British India, or

for pleaders of the Court of the Judicial Commissioner, Central Provinces and Berar.

5. *Forms of licences*.—(1) Licences shall be in two forms, those in form A conferring authority to practise in the Court of the Agent to the Governor General and all subordinate Courts, and those in form B conferring authority to practise in the Courts named therein. Licences shall be in one or other of the forms annexed to these Rules and shall be written upon stamped paper of the value of Rs. 10 or Rs. 5 according as the licence is in form A or in form B. The stamped paper on which the licences are written shall be provided by the applicant in each case.

(2) The fee for renewal of a licence shall be the same and shall be paid in the same manner as the fee for obtaining an original licence.

6. *Authority to be applied to for licences*.—Applications for the issue or renewal of licences shall be made to the Secretary.

7. *Expiry and renewal*.—Licences shall be valid up to and including the 31st day of December following the date of their issue, and at any time after the first day of December following the date of their issue the holders thereof shall be entitled to apply for renewal of the licence.

8. *Admission discretionary*.—The Agent to the Governor General may, without assigning reasons, grant or refuse any application for a licence or for the renewal of a licence, and his order thereon shall be final.

9. *List to be circulated*.—A list of pleaders licensed under these rules shall be circulated by the Secretary in January of each year for the information of the subordinate courts, and the names of any pleaders licensed in the course of the year shall be communicated by the Secretary to the subordinate Courts on the occasion of the issue of each fresh licence.

10. *Occasional permission*.—Any person who is qualified under rule 4 to receive a licence but has not obtained such licence and who desires permission to appear as a pleader, or to draft a petition or appeal, in any particular case before the Court of the Agent to the Governor General or any subordinate Court may apply—

- (i) in the case of the Court of the Agent to the Governor General, to the Agent to the Governor General; and
- (ii) in the case of any subordinate Court, through such Court to the Court exercising appellate powers over such Court, and at the discretion of the Agent to the Governor General or the appellate Court, as the case may be, such person may be granted such permission on payment of a fee of rupees two, notwithstanding the fact of his not having obtained a licence under rule 3.



## CHAPTER IV.

## SUSPENSION OF PRACTICE AND CANCELLATION OF LICENCES.

11. *Suspension or cancellation of licences by the Agent to the Governor General for criminal offence.*—The Agent to the Governor General may suspend, or cancel the licence of, any pleader who is convicted of any criminal offence implying in the opinion of the Agent to the Governor General a defect of character which unfits him to be a pleader.

12. *Suspension or cancellation of licences for misconduct.*—The Agent to the Governor General may also after such inquiry as he thinks fit suspend, or cancel the licence of, any pleader—

- (a) who takes instructions in any case, except from the party on whose behalf he is retained, or some person who is the recognised agent of such party within the meaning of the Code of Civil Procedure, 1908, or some servant, relative or friend authorised by the party to give such instructions; or
- (b) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty; or
- (c) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification or procuring or having procured the employment in any legal business of himself or any other pleader; or
- (d) who, directly or indirectly, procures or attempts to procure the employment of himself as such pleader through, or by the intervention of, any person to whom any remuneration for obtaining such employment has been given by him or agreed or promised to be so given; or
- (e) who accepts any employment in any legal business through the intervention of a person who has been proclaimed as a "tout" under rule 36; or
- (f) for any other reasonable cause.

13. *Suspension or cancellation of licences at the instance of subordinate courts.*—(1) If any pleader practising in any subordinate Court is charged in such Court with taking instructions except as aforesaid, or with any such misconduct as aforesaid, the presiding officer shall send him a copy of the charge and also a notice that on a date to be therein appointed such charge will be taken into consideration.

(2) Such copy and notice shall be served upon the pleader at least fifteen days before the day so appointed.

(3) On such day or on any subsequent day to which the inquiry may be adjourned, the presiding officer shall receive and record all evidence properly produced in support of the charge or by the pleader, and shall proceed to adjudicate on the charge.

(4) If such officer finds the charge is established and considers that the pleader should be suspended or that his licence should be cancelled in consequence thereof, he shall record his finding and the grounds thereof and shall report the same to the Agent to the Governor General, who may acquit, or suspend or cancel the licence of, the pleader.

(5) Every report made under sub-rule (4) shall—

- (a) when made by the Judge of any Court subordinate to the Court of the District Judge, be forwarded through such Judge;
- (b) when made by a Magistrate subordinate to the District Magistrate, be forwarded through the District Magistrate and the Sessions Judge; and
- (c) when made by the District Magistrate be forwarded through the Sessions Judge.

Every such report shall be accompanied by the opinion of the Judge or Magistrate through whom it is forwarded.

14. *Suspension pending enquiry and orders of the Agent to the Governor General.*—Any District Judge, or with his sanction any judge subordinate to him, any District Magistrate or with his sanction any Magistrate subordinate to him, and any Sessions Judge may, pending the investigation and orders of the Agent to the Governor General, suspend any pleader charged before him under rule 13.

15. *Order by the Agent to the Governor General.*—The Agent to the Governor General may, in any case in which a pleader has been acquitted under rule 13 otherwise than by an order of the Agent to the Governor General, call for the record and pass such order thereon as he thinks fit.

16. *Surrender of licences.*—Any pleader who has been suspended or whose licence has been cancelled under this chapter shall forthwith deliver up his licence to such court as the Agent to the Governor General may direct.

## CHAPTER V.

### REMUNERATION OF PLEADERS.

17. *Limitations.*—(1) In the taxation of costs as between parties in any suit or proceeding in the Court of the Agent to the Governor General or in any subordinate Court, the sums allowed against an unsuccessful party in respect of the fees of his adversary's pleader shall be payable on the following percentage scale:—

- (a) in a suit, and in an appeal from an original or an appellate decree in a suit, for money, effects or other personal pro-

party, or for land or other immovable property when such suit or appeal is decided on the merits after contest—

- (i) if the value of the claim does not exceed Rs. 5,000,—5 per cent.,
- (ii) if the value of the claim exceeds Rs. 5,000 and does not exceed Rs. 20,000,—5 per cent. on Rs. 5,000, and 2 per cent. on the amount in excess of Rs. 5,000.
- (iii) if the value of the claim exceeds Rs. 20,000 and does not exceed Rs. 50,000,—5 per cent. on Rs. 5,000, 2 per cent. on Rs. 15,000, and 1 per cent. on the amount in excess of Rs. 20,000.
- (iv) if the value of the claim exceeds Rs. 50,000 and does not exceed Rs. 80,000,—5 per cent. on Rs. 5,000, 2 per cent. on Rs. 15,000, 1 per cent. on Rs. 30,000, and  $\frac{1}{2}$  per cent. on the amount in excess of Rs. 50,000.
- (v) if the value of the claim exceeds Rs. 80,000—Rs. 1,000;

(b) in a suit, or in an appeal from an original or appellate decree in a suit, for money, effects or other personal property or for land or other immovable property when such suit or appeal is decided *ex parte* or on confession of judgment or on compromise or when an appeal is rejected under rule 10 of Order XLI of the Code of Civil Procedure, 1908, and <sup>v of 1908.</sup> in an application under paragraph 17 or paragraph 20 of the second schedule of the said Code—

- (i) if the value of the claim does not exceed Rs. 5,000— $2\frac{1}{2}$  per cent.
- (ii) if the value of the claim exceeds Rs. 5,000 and does not exceed Rs. 20,000,— $2\frac{1}{2}$  per cent. on Rs. 5,000 and 1 per cent. on the amount in excess of Rs. 5,000,
- (iii) if the value of the claim exceeds Rs. 20,000 and does not exceed Rs. 50,000,— $2\frac{1}{2}$  per cent. on Rs. 5,000, 1 per cent. on Rs. 15,000, and  $\frac{1}{2}$  per cent. on the amount in excess of Rs. 20,000.
- (iv) if the value of the claim exceeds Rs. 50,000 and does not exceed Rs. 80,000,— $2\frac{1}{2}$  per cent. on Rs. 5,000, 1 per cent. on Rs. 15,000,  $\frac{1}{2}$  per cent. on Rs. 30,000 and  $\frac{1}{2}$  per cent. on the amount in excess of Rs. 50,000,
- (v) if the value of the claim exceeds Rs. 80,000—Rs. 500;

(c) in an inquiry as to pauperism under Order XXXIII or Order XLVI of the Code of Civil Procedure, 1908, the fee in respect of a <sup>v of 1908.</sup> Government Pleader who as such has opposed an application to sue or appeal as a pauper or has successfully applied for the dispaupering of a plaintiff shall subject to a maximum of Rs. 75 be 10 per cent. on the

amount of the court fee which would be payable on the plaint if the suit were not brought by a person alleging pauperism;

(d) in appeals from orders and in proceedings not otherwise provided for in this rule—

- (i) if the value of the claim does not exceed Rs. 5,000— $1\frac{1}{2}$  per cent.,
- (ii) if the value of the claim exceeds Rs. 5,000 and does not exceed Rs. 20,000— $1\frac{1}{2}$  per cent. on Rs. 5,000 and  $\frac{1}{2}$  per cent. on the amount in excess of Rs. 5,000,
- (iii) if the value of the claim exceeds Rs. 20,000 and does not exceed Rs. 50,000,  $1\frac{1}{2}$  per cent. on Rs. 5,000,  $\frac{1}{2}$  per cent. on Rs. 15,000, and  $\frac{1}{4}$  per cent. on the amount in excess of Rs. 20,000,
- (iv) if the value of the claim exceeds Rs. 50,000 and does not exceed Rs. 80,000— $1\frac{1}{2}$  per cent. on Rs. 5,000,  $\frac{1}{2}$  per cent. on Rs. 15,000,  $\frac{1}{4}$  per cent. on Rs. 30,000 and  $\frac{1}{8}$  per cent. on the amount in excess of Rs. 50,000,
- (v) if the value of the claim exceeds Rs. 80,000—Rs. 250:

Provided that when a sum allowed under these rules has been entered in respect of a fee to a pleader in the table of costs, no further sum in respect of any fee to the pleader shall be allowed in respect of any application for a review of the judgment, decree or order of the same court, or for the execution of the decree or order of that court, unless it be shown to the satisfaction of the judge before whom such application is made that the services of the pleader in respect of whose fee the sum was entered in the table of costs as aforesaid were not available for the making of the application;

Provided further that notwithstanding anything hereinbefore contained a Government pleader who applies as such for execution of a decree without having appeared in court in the proceedings prior to the decree shall be entitled to a fee at the percentage rate prescribed in clause (a) of this rule.

(2) For the purpose of sub-rule (1) the words "value of the claim" mean the value as set forth in the plaint, application or memorandum of appeal, and, where the court fees are payable *ad valorem* the value according to which such court fees are paid.

18. *Fractions of a rupee to be omitted in calculating fees.*—Fractions of a rupee in the value of a claim shall be rejected in calculating the fee payable thereupon.

19. *Discretion to award higher or lower fee.*—Notwithstanding anything contained in rule 17, the presiding officer in any court to which these

rules apply may in any case, for special reasons to be recorded in the judgment, award a higher or lower fee than that prescribed by the said rule.

20. *Fee in cases in which subject matter does not admit of valuation.*—In cases in which the subject matter of the claim does not admit of valuation, the court shall fix a reasonable fee, regard being had to the time occupied in the preparation and the hearing of the case and the nature of the questions raised therein.

21. *Fee in case defendants having a joint or common interest succeed.*—If several defendants, defendants-appellants, or defendants-respondents who have a joint or common interest succeed upon a joint defence to the suit or upon separate defences to the suit substantially the same, the total sum to be entered in their joint table of costs or in their respective tables of costs shall not exceed that fixed, or if the fixed sum has been increased, that allowed under the rule applicable to that class of case, unless the court shall otherwise order for reasons to be recorded in the judgment. If only one fee is allowed, the court shall direct to which defendants, defendants-appellants or defendants-respondents or it shall be paid or shall apportion it among the several defendants, defendants-appellants or defendants-respondent in such manner as the court may think fit.

22. *Fee in cases in which defendants having separate interests succeed.*—If several defendants, defendants-appellants or defendants-respondents who have separate interests set up separate and distinct defences to the suit, the fee calculated or allowed in accordance with the rule applicable to that class of case for one pleader for each of such defendants, defendants-appellants or defendants-respondents who has appeared by a separate pleader at the hearing and succeeded upon his separate and distinct defence, may, by an order made by the court before delivery of the judgment, be allowed in respect of the separate interest of such successful defendant, defendant-appellant or defendant-respondent.

23. *Value of fee on one vakalatnama to be awarded on each fee allowed.*—For each fee allowed under rule 21 or rule 22 the value of the stamp on one vakalatnama only shall be awarded on the taxation of costs.

24. *Agreements with clients.*—No agreement entered into by any pleader with any person retaining or employing him respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges or disbursements in respect of business done or to be done by such pleader shall be valid, unless it is made in writing signed by such person and is, within fifteen days from the day on which it is executed, filed in the court in which some portion

of the business in respect of which it has been executed has been or is to be done.

25. *Power to modify or cancel agreements*.—Where a suit is brought to enforce any agreement of the kind described in rule 24, if the agreement is not proved to be fair and reasonable, the court may reduce the amount payable thereunder or order it to be cancelled, and the costs, fees, charges and disbursements in respect of the business done to be ascertained in the same manner as if no such agreement had been made.

26. *Agreements to exclude further claims*.—An agreement of the kind described in rule 24 shall exclude any further claim on the part of the pleader beyond the terms of the agreement with respect to any services, fees, charges or disbursements in relation to the conduct and completion of the business in respect of which the agreement is made, except such services, charges or disbursements if any as are expressly excepted by the agreement.

27. *Reservation of responsibility for negligence*.—A provision in any agreement of the kind described in rule 24 that the pleader shall not be liable for negligence or that he shall be relieved from any responsibility to which he would otherwise be subject as such pleader shall be wholly void.

## CHAPTER VI.

### SUPPLEMENTAL.

28. *Pleaders not to receive monies, etc., unless expressly authorised*.—No pleader shall receive refunds or repayments of court-fees, monies or securities for money unless he has been expressly authorised by his Vakalatnama to receive the same.

29. *Prohibition to purchase property in sale*.—No pleader shall bid for or purchase, whether in his own name or in the name of another, any property sold in execution of a decree in a suit in which he shall have been professionally engaged.

## CHAPTER VII.

### PENALTIES.

30. *Unauthorised practice*.—If any person attempts to practise in the Court of the Agent to the Governor General or in any subordinate Court in contravention of these rules, the Court shall refuse to hear him and he shall be incapable of maintaining any suit for, or enforcing any

lien, with respect to any fee or reward for or with respect to anything done or any disbursement made by him as a pleader while contravening these rules.

31. *Failure to surrender license.*—Whoever, being a pleader, fails to deliver up his license as required by rule 16 shall be liable by order of the Court to which the delivery should have been made to a fine not exceeding Rs. 200 and in default of payment to simple imprisonment for a term not exceeding three months.

32. *Practice after suspension, etc.*—If any pleader who has been suspended or whose license has been cancelled practises or attempts to practise during such suspension or after such cancellation in any Court to which these rules apply, he shall be deemed to have committed an offence under section 228 of the Indian Penal Code.

XLV of

33. *Unauthorised receipt of money, etc., and purchase of property in sale.*—If any pleader receives refunds or repayments in contravention of rule 28 or bids for or purchases any property in contravention of rule 29, he shall be deemed for the purpose of these Rules to have been guilty of grossly improper conduct in the discharge of his professional duty.

34. *Revision.*—Every order made under rule 30, 31 or 32 by any subordinate Court shall be subject to the revision of the Agent to the Governor General.

35. *Maximum number of pleaders to be retained by a party.*—(1) No party in any civil or criminal proceeding shall retain the services of more than two pleaders who ordinarily practise in, and reside within the local limits of the jurisdiction of, the Court; and if any party retains more than two such pleaders he shall be directed by the Court to name the two pleaders whom he desires to retain and to cancel his agreement with the others, and where an agreement has been cancelled under this rule no suit shall be brought under such agreement by either party to the agreement.

(2) If any pleader whose agreement has been cancelled under this rule does not forthwith withdraw from the case in respect of which his agreement has been cancelled, he shall be deemed to have committed an offence under section 228 of the Indian Penal Code.

XLV of 1

36. *Power to frame and publish list of touts.*—(1) The Agent to the Governor General, the Sessions Judge and any District Magistrate or District Judge (each as regards his own Court and the Courts subordinate thereto) may frame and publish lists of persons proved to his satisfaction, by evidence of general repute or otherwise, habitually to act as touts, and may from time to time alter or amend such lists.

(2) No person's name shall be included in any such list until he has had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of clause (e) of rule 12.

37. *Cancellation of Central India Agency Circular No. 3 of 1904.*—Judicial Circular No. 3 of 1904 of the Central India Agency is hereby cancelled, provided that every license granted to a pleader under the said Circular shall be deemed to have been granted under these Rules.

#### LICENCE IN FORM A.

In the Court of the Agent to the Governor General in Central India.

In accordance with the provisions of the Central India (Administered Areas) Legal Practitioners Rules, 1923, I hereby certify that  
whose ordinary place of business is

has been duly admitted by the Agent to the Governor General in Central India as a Pleader and is entitled to practise as such subject to the provisions of the above-mentioned rules during the current calendar year (19 ) in the Court of the Agent to the Governor General and all the British Courts in Central India subordinate thereto, other than the Courts in the Gwalior Residency.

Given under my hand and the seal of the Court; this the  
day of 19 .

*Secretary to the Agent,  
to the Governor General in Central India.*

#### LICENCE IN FORM B.

In the Court of the Agent to the Governor General in Central India.

In accordance with the provisions of the Central India (Administered Areas) Legal Practitioners Rules, 1923, I hereby certify that  
whose ordinary place of business is

has been duly admitted by the Agent to the Governor General in Central India as a Pleader and is entitled to practise as such subject to the provisions of the above-mentioned rules during



the current calendar year (19     ) in the Courts and offices specified below, that is to say:—

## I. CIVIL COURTS.

## The

## II. CRIMINAL COURTS.

# The

Given under my hand and the seal of the Court, this the  
day of 19

*Secretary to the Agent  
to the Governor General in Central India.*  
[*Gazette of India*, 1923, Pt. I, p. 581.]





## VII.—Orders relating to Courts.

### CRIMINAL.

*Provision for execution of capital sentences in British India.*

*No. 1431-I., dated the 27th April, 1893.*—Printed in Appendix XIX.

*Criminal law and procedure of British India applicable to British subjects in Indian States.*

*No. 1863-I.A., dated the 13th May, 1904.*—Printed in Appendix IV.

*High Court at Bombay to exercise jurisdiction over European British subjects in Mhow and Nimach, and High Court at Allahabad in Nowgong.*

*No. 580-D., dated the 26th January, 1917.*—Printed in Appendix IV.

*Justices of the Peace to commit for trial to the High Court having jurisdiction.*

*No. 582-D., dated the 26th January, 1917.*—Printed in Appendix IV.

*Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.*

*No. 319-D., dated the 16th January, 1917.*—Printed in Appendix IV.

### *Appointment of Justices of the Peace.*

*No. 2313-I., dated the 13th August, 1883. } Printed supra, p. 13.*  
*No. 2760-I., dated the 18th September, 1883. }*

*No. 2311-I., dated the 13th August, 1883.*—In exercise of the powers conferred by sections 4 and 6 of Act XXI of 1879<sup>1</sup> (the Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of<sup>2</sup> [Judicial Officer, Mhow Cantonment], being a European British subject, to be a Justice of the Peace within the limits of that cantonment,

[*Gazette of India, 1883, Pt. I, p. 846.*]

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<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix I.

<sup>2</sup> Substituted by Notification No. 409-I, dated the 5th October, 1925. *Gazette of India, 1925, Pt. I, p. 537.*

*Criminal Courts, High Court.*

No. 2381-I.B., dated the 16th November, 1912.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that for the purposes of criminal jurisdiction within the Administered Areas in Central India, namely, the Cantonments of Mhow, Nimach, <sup>1</sup>[Nowgong and Sehore], the Indore Residency Bazars, the Gwalior Residency Area, the Sutna Agency and the Civil Lines of Nowgong, the Agent to the Governor-General in Central India shall exercise the powers of a High Court as defined in the Code of Criminal Procedure, 1898, as applied to the said Areas, except in proceedings against European British subjects or persons jointly charged with European British subjects.

II

[*Gazette of India*, 1912, Pt. I, p. 1590.]

*Other Criminal Courts.*

No. 1628-B., dated the 16th November, 1912.—In exercise of the powers conferred by sections 7, 9 and 10, respectively, of the Code of Criminal Procedure, 1898, as applied to the Administered Areas in Central India by the notification of the Government of India in the Foreign Department, <sup>2</sup>No. 2365-I.B., dated the 14th November, 1912, the Agent to the Governor-General in Central India is pleased—

- (a) with the sanction of the Governor-General in Council, to direct that the area or areas mentioned in each entry in the first column of the schedule hereto annexed shall be a sessions division and a district for the purposes of the said Code;
- (b) to establish a Court of Session for each such sessions division and to appoint as Judge of such Court the officer named in the corresponding entry in the second column of the said schedule;
- (c) to appoint each of the officers named in the third column of the said schedule to be a Magistrate of the first class and District Magistrate for the district mentioned in the corresponding entry in the first column.

II

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<sup>1</sup> Substituted by Notification No. 70-I., dated the 1st October, 1923. *Gazette of India*, 1923, Pt. I, p. 1288.

<sup>2</sup> Notifications cancelled.

<sup>3</sup> See now Notification No. 262-I., dated the 24th April, 1929, *supra*, p. 23.

<sup>4</sup> Notifications cancelled.

*Schedule.*

Administered area.	Sessions Judge.	District Magistrate.
The Cantonment of Mhow	<sup>1</sup> [The Political Agent in the Southern States of Central India.]	<sup>2</sup> The Judicial Officer, Mhow Cantonment.]
The Cantonment of Nimach.	The Political Agent in Malwa.	<sup>2</sup> [The Judicial Officer, Nimach Cantonment]
The Cantonment and Civil Lines of Nowgong.	The Political Agent in Bundelkhand.	<sup>2</sup> [The Treasury and Judicial Officer, Nowgong.]
The Cantonment of Sehore.	The Political Agent in Bhopal.	The Political Agent in Bhopal.
* * *	* * *	* * *
The Indore Residency Bazar.	The First Assistant to the Agent to the Governor-General in Central India.	The First Assistant to the Agent to the Governor-General in Central India.
The Gwalior Residency Area.	The Resident at Gwalior.	The Resident at Gwalior.
The Satna Agency .	The Political Agent in Baghelkhand.	The Political Agent in Baghelkhand.

[*Gazette of India*, 1912, Pt. II, p. 1795.]

*Appointment of Additional Sessions Judge, Mhow Cantonment.*

No. 57-B/26 (2), dated the 5th March, 1926.—Under section 9, sub-section (3) of the Code of Criminal Procedure, 1898 (V of 1898), as applied to the Administered Areas in Central India, the Agent to the Governor-General in Central India is pleased to appoint the Judicial Officer, Mhow Cantonment, to be also an Additional Sessions Judge and to exercise jurisdiction in the Court of Sessions established for the Sessions Division of the Mhow Cantonment.

[*Gazette of India*, 1926, Pt. II-A., p. 89.]

*Appointment of Additional Sessions Judge, Nimach Cantonment.*

No. 90-B/25 (2), dated the 28th August, 1925.—Under section 9, sub-section (3) of the Code of Criminal Procedure, 1898 (V of 1898),

<sup>1</sup> Substituted by Notification No. 1243-B., dated the 9th July, 1921. *Gazette of India*, 1921, Pt. II, p. 908.

<sup>2</sup> Substituted by Notification No. 849-B., dated the 19th May, 1924. *Gazette of India*, 1924, Pt. II-A., p. 168.

<sup>3</sup> Substituted by Notification No. 22245-C., dated the 28th March, 1924. *Gazette of India*, 1924, Pt. II-A., p. 107.

as applied to the Administered Areas in Central India, the Agent to the Governor-General in Central India is pleased to appoint the Judicial Officer, Mhow Cantonment, to be also an Additional Sessions Judge and to exercise jurisdiction in the Court of Session established for the Sessions Division of the Neemuch Cantonment.

Under section 9, sub-section (2) of the said Code, the Agent to the Governor-General in Central India is pleased to direct that the said Additional Sessions Judge shall hold his Court in the Mhow Cantonment.

[*Gazette of India*, 1925, Pt. II-A., p. 280.]

*Judicial Officer, Mhow Cantonment, empowered to try all offences not punishable with death.*

No. 161-B., dated the 27th April, 1926.—In exercise of the powers conferred upon him by section 30 of the Code of Criminal Procedure, 1898 (V of 1898), as applied to the Mhow Cantonment, the Agent to the Governor-General in Central India is pleased to invest the Judicial Officer, Mhow Cantonment, being a Magistrate of the first class, with power to try as a Magistrate all offences not punishable with death within the said Cantonment.

[*Gazette of India*, 1926, Pt. II-A., p. 164.]

*Officers to whom notice of appeal is to be given.*

No. 222-B., dated the 4th February, 1928.—In exercise of the powers conferred by section 422 of the Code of Criminal Procedure, 1898 (V of 1898) as applied to the Administered Areas and Railway lands in Central India, prescribing that any Appellate Court which does not dismiss an appeal summarily, shall cause notice to be given to such officer as the Local Government may appoint in this behalf of the time and place at which such appeal will be heard, the Agent to the Governor-General in Central India is pleased to direct that in the case of appeals other than those which lie to the District Magistrate, the Appellate Court shall cause notice of the time and place of hearing of such appeal to be given—

- (1) to the Public Prosecutor in all cases in which the sentence is one of death;
- (2) to the Magistrate of the District in other cases.

[*Gazette of India*, 1928, Pt. II-A., p. 38.]

*Rules for the Bench of Magistrates, Mhow Cantonment.*

No. 164-B.-23 (1), dated the 18th July, 1925.—In exercise of the powers conferred by section 16 of the Code of Criminal Procedure, 1898 (V of 1898), as applied to the Administered Areas in Central India,

the Agent to the Governor General in Central India is pleased to make the following rules for the guidance of the Bench of Magistrates constituted for the Cantonment of Mhow, namely:—

1. The Bench is authorised to try such cases as the Magistrate of the district may transfer to it for trial.

2. The Bench shall sit on such days of the week and hours as may be approved periodically by the District Magistrate. It shall consist of <sup>1</sup>[four] members; and two of these shall form a quorum. The sittings shall be held in the Honorary Magistrate's Court room.

3. The Bench may hold one or more adjourned sittings, if this be found necessary, for the disposal of business or of part-heard cases; provided that if any case is adjourned and the members at the adjourned sessions are not the same as sat at the first hearing of the case, the provisions of section 350 of the Criminal Procedure Code will be held to apply to the case.

4. It shall be in the discretion of the Magistrate of the district to appoint the Chairman for each time of sitting, or generally.

5. The Chairman shall conduct the Proceedings of the Court and shall exercise all the functions in that behalf usually exercised by a Magistrate when sitting alone. He shall decide upon the admissibility of evidence and maintain order in the Court; but it shall be open to any member of the Bench to put any question to the parties or witnesses, either direct or through the Chairman, as the latter may deem advisable, and to suggest any matter for the Chairman's consideration.

6. Any recording of evidence, issuing of process or other function exercisable by the Chairman may, with his consent, be exercised by any one of his colleagues.

7. Each member of the Bench shall have a voice in the finding and sentence, which shall be signed by the Chairman and by the members present. In regard to the finding, when the number of members is uneven, the opinion of the majority shall prevail; when the number is even and the members are equally divided, case shall be referred back to the District Magistrate.

In regard to the sentence, the opinion of the majority shall prevail; when the numbers are equally divided, the Chairman shall have a casting vote; when the opinions of members are all different (as in a Full Bench of three members) the opinion of the Chairman shall prevail.

8. The Bench shall not try any offence committed by any European British subject or by Government official.

<sup>1</sup> Substituted by Notification No. 102-B., dated the 18th January, 1920. *Gazette of India, 1920, Pt. II-A., p. 37.*



9. Any member who is personally interested in any particular case will not take part in its proceedings though he may remain present in Court.

[*Gazette of India*, 1925, Pt. II-A., p. 237.]

*Central India (Administered Areas) Legal Practitioners Rules, 1923.*

No. 1015—1052-I., dated the 25th June, 1923.—Printed *supra*, page 55.

*Mode of whipping.*

No. 220-B., dated the 10th February, 1919.—Under the provisions of section 392 of the Code of Criminal Procedure, 1898, as applied to Administered Areas in Central India and the Railway lands in Central India over which jurisdiction has been ceded, the Agent to the Governor General is pleased to direct that the punishment of whipping shall be inflicted in the case of persons of 12 years of age and over on the buttocks and of boys under twelve years of age on the hands, and in the case of persons under 16 years of age with a lighter rattan than that used for adults.

[*Gazette of India*, 1919, Pt. II, p. 239.]

*Payment of expenses of complainants and witnesses in Criminal Courts.*

No. 913-B., dated the 4th May, 1928.—In exercise of the powers conferred by section 544 of the Code of Criminal Procedure, 1898 (Act V of 1898), as applied to the Administered Areas and Railway lands in Central India, and in supersession of so much of the Notification of the Government of India in the Foreign Department, No. 1626-I.B., dated the 16th June, 1899, as relates to the aforesaid areas and lands, the Agent to the Governor General in Central India is pleased to make the following rules to regulate the payment of the expenses of complainants and witnesses attending Criminal Courts in the said areas and lands for the purposes of any enquiry, trial or other proceedings under the said Code.

2. Such Courts are authorized to pay the expenses of complainants and witnesses attending before them:—

*Firstly*:—In all cases, whether bailable or non-bailable, in which the prosecution is instituted or carried on by, or under the orders of, or with the sanction of Government, or of any British Judge, Magistrate or other public servant;

*Secondly*:—In all cases entered in column 5 of Schedule II appended to the Code of Criminal Procedure as non-bailable, when it shall appear to the presiding officer of the Court to be directly in furtherance of the interests of public justice;

*Thirdly*.—In hailable cases in which the presiding officer of the Court considers that in the interest of justice such payment is proper; and

*Fourthly*.—In all cases in which the witnesses are compelled to attend by the Court, under the provisions of section 540 of the Code of Criminal Procedure, 1898:

Provided always that no such payment shall be made to any witness by Government, when the expenses of the attendance of such witness have been deposited in Court under section 216, 244 or 257 of the Code of Criminal Procedure, 1898.

3. The rates referred to in the foregoing rule are as follows:—

- (a) For Indians of the ordinary labouring class eight annas per diem for men, and five annas per diem for women.
- (b) For Indians of higher rank in life Re. 1 per diem.
- (c) For persons earning fixed daily or monthly wages who would lose wages for the period of attendance at Court the amount of the wages actually so lost.
- (d) For Europeans, Anglo-Indians and Indians of superior rank a diet allowance according to circumstances. Such allowance shall not generally exceed Rs. 3 per diem, but the Court shall have discretion in special cases to fix it at a higher rate.

4. Travelling expenses will be given only when the journey could not, with reasonable ease and expedition, have been performed on foot, or in the case of persons whose age, position and habits of life render it impossible for them to walk. In such cases, in addition to diet allowance, travelling allowance shall be given at the following rates:—

- (a) When the journey is by road, the actual expenses incurred up to a maximum limit of four annas a mile.
- (b) Where the journey is wholly, or partly, by rail—
  - (i) For Indians generally, railway fare by the lowest class.
  - (ii) For Europeans, Anglo-Indians and Indians of superior rank, intermediate or second class railway fare; but the Court may at its discretion award first class fare when the persons concerned would from their social position ordinarily travel by the first class.

5. Notwithstanding the above rules—

(a) Government servants when summoned to give evidence in their public capacity shall receive nothing from the Court. In this case they are entitled to travelling allowance under the Fundamental Rules, and

the Court while discharging them, shall furnish them with a certificate in the following form:—

“ It is hereby certified that it was considered essential to record the evidence of \_\_\_\_\_ in the case noted on the margin, and that he was in this connection required to attend the Court for \_\_\_\_\_ days from \_\_\_\_\_ to \_\_\_\_\_.”

Government servants when summoned to give evidence in their private capacity may be paid by the Court and may retain any travelling allowance due to persons of corresponding rank under these rules, but they may not draw diet allowance, and they shall not be entitled to any travelling allowance under the Fundamental Rules.

(b) Witnesses other than Government servants, following any profession, such as medicine or law, shall receive an allowance not exceeding Rs. 5 per diem, according to circumstances, and when they have to travel a distance exceeding five miles their actual expenses for conveyance (not exceeding eight annas a mile) or railway fare according to status.

6. *Medical Officer.—Government of India (Department of Finance and Commerce) Resolution No. 3050, dated the 11th August, 1883.*—A Medical Officer other than a Civil Surgeon, or Officer in Medical Charge of the Civil Station, summoned to give evidence in a Criminal Court touching the result of a *post-mortem* or other examination conducted by him, in a case not falling within the ordinary discharge of his duties, shall not receive any remuneration, other than the expenses to which he is entitled as a witness under these rules.

7. Medical subordinates in Local Fund or Municipal employ (including Government servants lent to and paid by local bodies) when attending Court to give evidence in their public capacity, shall be paid the same rates of travelling allowance as would be admissible to Government servants of similar grades under the Fundamental Rules.

8. The Court ordering the payment under these rules of the expenses of a complainant or witness shall decide—

(a) the class to which he belongs, and the rate at which he is to be paid;

(b) the number of days necessary for his journey to and from the Court.

9. The Court shall exercise its discretion in ordering or refusing to order payment of expenses within the limits laid down in the foregoing rules whether an application for payment be made or not.

[*Gazette of India*, 1928, Pt. II-A., p. 154.]

CIVIL.

*Civil Courts.*

No. 2402-I.B., dated the 1st November, 1916.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign Department, No. 5022-I., dated the 24th December 1891, as subsequently amended, the Governor General in Council is pleased to provide as follows for the administration of civil justice within the Cantonments of Mhow, Nimach and Nowgong and the Civil Lines of Nowgong:—

Within the areas specified in the first column of the schedule hereto annexed, the officers mentioned in the corresponding entries in the second, third and fourth columns shall exercise, respectively,

- (a) the powers of a District Court,
- (b) the powers of an Appellate Court to hear appeals from the decrees and orders of the District Court, and
- (c) the powers of a High Court for all purposes connected with the administration of civil justice within the said areas.

*Schedule.*

Area.	District Court.	Appellate Court.	High Court.
The Cantonment of Mhow.	[The Judicial Officer, Mhow Cantonment.] <sup>1</sup>	[The Political Agent in the Southern States of Central India and in Malwa.] <sup>2</sup>	The Agent to the Governor-General in Central India.
The Cantonment of Nimach.	[The Judicial Officer, Nimach Cantonment.] <sup>1</sup>	[The Judicial Officer, Mhow Cantonment.] <sup>2</sup>	
The Cantonment and Civil Lines of Nowgong.	[The Treasurer and Judicial Officer, Nowgong.] <sup>1</sup>	The Political Agent in Bundelkhand.	

*Provision for the exercise of powers during vacancies.*

No. 3218-I.B., dated the 4th July, 1910.—Printed *supra*, page 15.

<sup>1</sup> Substituted by Notification No. 216-I., dated the 12th May, 1924. *Gazette of India, Extraordinary*, 1924, p. 258.

<sup>2</sup> Substituted by Notification No. 1988-I. B., dated the 29th June, 1921. *Gazette of India*, 1921, Pt. I, p. 914. The last three words were added by Notification No. 396-I., dated the 10th August, 1925. *Gazette of India*, 1925, Pt. I, p. 751.

<sup>3</sup> Substituted by Notification No. 396-I., dated the 10th August, 1925. *Gazette of India*, 1925, Pt. I, p. 751.

*Court of Munsiff, Nowgong.*

*No. 305-I., dated the 11th June, 1924.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in amplification of the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department, No. 2402-I.B., dated the 1st November, 1916, the Governor General in Council is pleased—

- (a) to establish a court of Munsiff in the Cantonment and Civil Lines of Nowgong;
- (b) to direct that the said court shall be subordinate to the District Court and shall have power to hear and determine all original suits of a civil nature of which the amount or value of the subject matter does not exceed two hundred rupees, and that subject to the provisions of the enactments for the time being in force in the said Cantonment and Civil Lines, appeals shall lie from the decrees and orders of the said Munsiff to the Political Agent in Bundelkhand.

[*Gazette of India*, 1924, Pt. I, p. 482.]

*Appointment of Judge of Small Cause Court, Mhow.*

*No. 782-B., dated the 1st April, 1929.*—In exercise of the powers conferred by section 6, sub-section (1) and section 15, sub-section (3) of the Provincial Small Cause Courts Act, 1887 (IX of 1887), as applied to the Mhow Cantonment, the Agent to the Governor General in Central India is pleased (1) to appoint the Judicial Officer, Mhow, to be a Judge of the Court of Small Causes in the said Cantonment and (2) to direct that all suits of a civil nature which are cognizable by a Court of Small Causes and of which the value does not exceed Rs. 1,000 be cognizable by the said Court.

[*Gazette of India*, 1929, Pt. II-A., p. 151.]

*Appointment of Judge of Small Cause Court, Nimach.*

*No. 355-B., dated the 12th May, 1924.*—In exercise of the powers conferred by section 6, sub-section (1) of the Provincial Small Cause Courts Act, 1887 (IX of 1887), as applied to the Cantonment of Nimach and in supersession of the notification of the Government of India in the Foreign Department No. 4037-I., dated the 27th November, 1893, the Agent to the Governor General in Central India is pleased to appoint the Judicial Officer, Nimach Cantonment, to be Judge of the Court of Small Causes in the said Cantonment.

[*Gazette of India*, 1924, Pt. II-A., p. 168.]

*Appointment of Judge of Small Cause Court, Nowgong.*

No. 846-B., dated the 12th May, 1924.—In exercise of the powers conferred by section 6, sub-section (1) of the Provincial Small Cause Courts Act, 1887 (IX of 1887) as applied to the Cantonment and Civil Lines of Nowgong, and in supersession of the Notification of the Government of India in the Foreign Department, No. 4822, dated the 12th July, 1894, the Agent to the Governor General in Central India is pleased to appoint the Treasury and Judicial Officer, Nowgong, to be Judge of the Court of Small Causes in the said Cantonment and Civil Lines.

[*Gazette of India*, 1924, Pt. II-A., p. 168.]

*Central India (Administered Areas) Legal Practitioners Rules, 1923.*

No. 1015--1052-I., dated the 25th June, 1923.—Printed *supra*, page 65.

*Maintenance and custody of live-stock under attachment by a Civil Court.*

No. 450-B., dated the 14th March, 1907.—In exercise of the power conferred by section 249 of the Code of Civil Procedure (Act XIV of 1882), as applied to the Cantonments of Mhow, Nimach and the Cantonment and Civil Lines of Nowgong by the notification by the Government of India in the Foreign Department, No. 5022-I., dated the 24th December, 1891, the Agent to the Governor General in Central India is pleased to make the following rules for the maintenance and custody, while under attachment by a Civil Court, of live-stock:—

1. In these rules, unless there is anything repugnant in the subject or context, the expression "attaching officer" includes the subordinate of an attaching officer acting under his orders.

2. (1) Where live-stock has been attached under a decree passed by a Civil Court, the attaching officer shall leave it, by order in writing:—

- (a) if the judgment-debtor furnishes such security as appears to the officer to be sufficient, in the custody of the judgment-debtor, or
- (b) if the judgment-debtor does not furnish such security and some land-holder or other respectable person is willing to undertake the custody and to produce the live-stock when required, then in the custody of such land-holder or other person.

\* See now the Code of Civil Procedure, 1908 (Act V of 1908), as applied by Notification No. 232-I., dated the 24th April, 1920. Printed *supra*, p. 28.

(2) The attaching officer shall enter a brief description of the live-stock—

- (a) in the order in writing referred to in sub-rule (1), and
- (b) in the report of attachment made by him to the Court.

(3) Where arrangements cannot be made under sub-rule (1), the attaching officer shall remove the live-stock to the Cantonment cattle-pound.

3. (1) Where live-stock is removed to a pound under rule 2, sub-rule (3), the pound-keeper shall enter in the Register—

- (a) the number and description of the stock,
- (b) the day and hour on and at which the stock was committed to his custody; and
- (c) the name of the attaching officer who so committed it, and shall give such officer a copy of the entry.

(2) The pound-keeper shall take charge of all animals committed to his charge under sub-rule (1) and shall duly feed and water them.

4. (1) For every animal committed to the custody of a pound-keeper there shall be leviable a rent for the use of the pound for such period of fifteen days, or part of such period, during which the custody continues, in accordance with the scale prescribed in section 12 of the Cattle-trespass Act, 1871.

(2) All sums so levied shall be applied in the manner prescribed in section 18 of the Cattle-trespass Act, 1871, for fees levied under section 12 of that Act, and the pound-keeper shall be paid, for feeding and watering any animal committed to his custody, at the rate for the time being fixed under section 5 of that Act by the Cantonment Magistrate for the charge for feeding and watering impounded cattle.

5. An animal committed to the custody of a pound-keeper shall not be released until all charges leviable under rule 4 have been paid in full, otherwise than upon the order in writing of the Court executing the decree addressed to the pound-keeper.

6. The cost of preparing live-stock for sale or of conveying it to the place at which it is to be kept or sold shall be payable in the first instance by the decree-holder.

7. The amount of charges payable hereunder shall be ascertained and recorded by the attaching officer or the officer holding the sale when the live-stock is released from attachment or sold and shall, so far as may be, be discharged by him from the amount, if any, paid in by the judgment-debtor before the release of the live-stock or from the proceeds of the sale.

8. (1) Where—

- (a) the live-stock is adjudged to belong to a third person who has objected to the attachment, or
- (b) the proceeds of the sale are found to be insufficient, or
- (c) the decree is settled out of Court, or
- (d) for any other reason payment of the charges is impossible, the attaching officer or the officer holding the sale shall report the matter for orders to the Court executing the decree.

(2) On receiving a report under sub-rule (1), a Court shall recover all charges payable from the decree-holder, which will then be disposed of in the manner prescribed in rule 4.

[*Gazette of India*, 1907, Pt. II, p. 456.]

*Service of Summonses and execution of decrees by Courts in British India empowered to send decrees to the District Courts and the Courts of Small Causes at Mhow, Nimach and Nowgong for execution.*

No. 786-I.B., dated the 9th April, 1913.—Printed in Appendix XXI-A.

*Service and execution by the Courts at Mhow, Nimach and Nowgong of summonses and decrees—(a) of Civil or Revenue Courts in British India;<sup>1</sup> (b) of other Courts established or continued by the Governor General in Council;<sup>2</sup> (c) of certain Courts of Indian States.*

No. 322-I., dated the 15th May, 1920.—Printed in Appendix XXI-A.

*Service of summonses and execution of decrees of the Courts at Mhow, Nimach and Nowgong<sup>3</sup> by other Courts established or continued by the Governor General in Council.*

No. 322-I., dated the 15th May, 1920.—Printed in Appendix XXI-A.

*Service of summonses and execution of decrees of the Courts at Mhow, Nimach and Nowgong by Civil Courts of the Baroda and Mysore States.*

No. 308-I.B., dated the 25th February, 1910.—Printed in Appendix XXI-C.

<sup>1</sup> As regards summonses see Rule 26 (a) of Order V of the First Schedule of the Code of Civil Procedure, 1908, read with clause (1) of Notification No. 823-I., dated the 15th May, 1920. Printed in Appendix XXI-A.

<sup>2</sup> See also sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908), as locally applied.

<sup>3</sup> These Courts may send their summonses and decrees to Courts in British India for service and execution, see sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908).



*No. 2622-I.B., dated the 24th December, 1912.*—Printed in Appendix XXI-C.

*No. 2623-I.B., dated the 24th December, 1912.*—Printed in Appendix XXI-C.

*Reciprocal service of summonses by the Civil Courts at Mhow, Nimach and Nowgong and Civil Courts in—(a) Kenya.*

*No. 397-I., dated the 13th August, 1924.*—Printed in Appendix XXI-D.

(b) *Persia.*

*No. 460-I., dated the 30th July, 1928.*—Printed in Appendix XXI-D.

*Fees for serving and executing processes.*

*No. 1612-B., dated the 1st August, 1923.*—Printed *infra*, page 81.

*Remission of fees chargeable on decrees of Baroda Courts.*

*No. 2266-I.B., dated the 11th October, 1916.*—In exercise of the powers conferred by section 35 of the Court-fees Act, 1870 (VII of 1870), as applied to, or as in force in, the areas specified in the Schedule hereto annexed, the Governor General in Council is pleased to remit the fees chargeable under the said Act, on copies of decrees of <sup>1</sup>[Civil Courts] situate in the territories of His Highness the Gaekwar of Baroda forwarded to any Court in the said areas for execution.

*Schedule.*

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3. The Cantonments of Mhow, Neemuch, Nowgong and Sehore, the Indore Residency Bazaars and the Civil Lines of Nowgong.

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[*Gazette of India*, 1916, Pt. I, p. 1519.]

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<sup>1</sup> Substituted by Notification No. 3180-I. B., dated the 4th October, 1918. *Gazette of India*, 1918, Pt. I, p. 1593.

<sup>1</sup>  
D 2



## VIII.—Orders under Acts locally applied.

### COURT FEES ACT, 1780.

#### *Fees for serving and executing processes.*

*No. 1612-B., dated the 1st August, 1923.*—In exercise of the powers conferred by section 20 of the Court Fees Act, 1870 (VII of 1870), as applied<sup>1</sup> to the Cantonments of Mhow, Neemuch, Nowgong, and Sehore, the Indore Residency Bazars and the Civil lines of Nowgong and in supersession of Central India Agency Notification No. 1772-B., dated the 17th September, 1913, the Hon'ble the Agent to the Governor General in Central India is pleased to issue the following rules to regulate the fees chargeable for serving and executing processes by all the Civil and Criminal Courts in the said areas, namely:—

I. In these rules the expression "the order" means Order XXI of the First Schedule to the Code of Civil Procedure, 1908, as applied to the Cantonments of Mhow, Neemuch, Nowgong, and Sehore, the Indore Residency Bazars and Civil lines of Nowgong.

II. The fees exhibited in the following table shall be charged for serving and executing the several processes against which they are respectively ranged:—

	Rs.	A.	P.
<i>Article 1.</i> —In every case in which personal or substituted service of a summons is required, in respect of each person . . . . .	0	12	0
<i>Article 2.</i> —In every case in which service of a warrant of arrest is required, in respect of each person . . . . .	2	0	0
<i>Article 3.</i> —Where process of attachment of moveable property is issued, in respect of each process . . . . .	1	8	0
<i>Article 4.</i> —For the proclamation and publication of any order of prohibition under Rule 54 of the Order irrespective of the number of such proclamations or publications . . . . .	3	0	0
<i>Article 5.</i> —When an order for the sale of property is issued—			
(A) for proclaiming the order of sale under Rule 56 of the Order . . . . .	1	8	0
(B) By way of poundage upon the full amount of the purchase money:—			
(i) Where the sale is conducted by the Collector—			
(a) On sale proceeds which do not exceed Rs. 1,000 for every Rs. 100 or fraction thereof . . . . .	2	0	0
(b) On sale proceeds exceeding Rs. 1,000, for every Rs. 500 or fraction thereof . . . . .	4	0	0

<sup>1</sup> See now Notification No. 262-I., dated the 24th April, 1929, *supra*, p. 28.

	Rs.	A.	P.
(u) Where the sale is conducted by an officer of the Court.—			
(a) If the property be a negotiable instrument or a share in any public company or corporation, for every Rs. 20 or fraction of Rs. 20 of nominal value . . . . .	0	1	0
(b) In the case of other property on each rupee of the sale proceeds . . . . .	0	0	9
Article 6.—Where a warrant for delivery of immoveable property is issued . . . . .	2	0	0
Article 7.—Any process not specified in any preceding article . . . . .	0	12	0

III. Notwithstanding Rule II, no fee shall be chargeable for serving or executing:—

- (a) any process which may be issued by any Court of its own motion, solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority;
- (b) any process issued a second time in consequence of a mistake for which the Court or any of its officers is responsible, or in consequence of an adjournment made otherwise than at the instance of a party,
- (c) any copy of a summons, notice, order, proclamation or other process fixed up in a Court house or in the office of a Collector;
- (d) any copy of a warrant, order or certificate fixed up under Rule 36, 54, or 96 of the Order, when the fees chargeable under article 4 or 6 have been paid;
- (e) any notice issued by a District Court under paragraph 5, Schedule III of the Code of Civil Procedure, 1908, applied as above.

IV. No process which comes within the operation of Rule II shall be drawn up for service or execution until the fee chargeable under that Rule has been paid. The fee shall be paid in Court-fee stamps and these shall be affixed either to the application by which the Court is moved to issue the process, or if no such application be filed, to the order by which the Court directs the issue or service of the process. If such an application be filed, it must, in addition to the requisite stamps for the process-fee, bear such stamps if any, as are needed for its own validity.

V. The fee payable by way of poundage on the full amount of the purchase money shall be paid by stamps, which shall be affixed to the first application, if any be filed, for payment of such purchase money out of Court, whether it be or be not made by the person who obtained the order of sale, and whether it extend or do not extend to the whole

of the purchase money. If such an application be filed, it must, in addition to the requisite stamps for the poundage fee, bear such stamps, if any, as are needed for its own validity.

Provided that when such fee has once been paid in full in respect of any sale, no further fee shall be payable in respect of the same sale :

Provided also that the party paying such fee shall recover the amount of it out of the purchase money prior to the distribution thereof among the persons entitled thereto.

Provided also that, when a sale of immoveable property is set aside under Rule 92 (2) of the Order, no fee shall be payable by way of poundage on the purchase money. Any fraction of an anna in a fee payable by way of poundage shall be remitted.

VI. If default be made in the payment of purchase money within the time specified in Rule 85 of the Order, the fee payable by way of poundage shall be deducted from the deposit paid under Rule 84, *ibid.*

The stamps representing such fee shall be bought and affixed by the Court to the order directing the deduction to be made.

VII. If a decree holder who has obtained permission to bid for or purchase any property directed to be sold is declared to be the purchaser, he shall file an application for an order to set off the purchase money or part thereof, as the case may be, against the amount of the decree, and the fee payable by way of poundage on the full amount of the purchase money shall be paid by stamps affixed thereto. No dispensation from the requirements of Rule 84 (1) shall be granted under Rule 84 (2) of the Order otherwise than upon such an application duly stamped as aforesaid.

VIII. A process issued by any Court in British Territory whether of Civil, Revenue, or Criminal jurisdiction, or by any Court established or continued by the Governor General in Council or by any Civil or Revenue Court in Native States in Central India shall be served free of charge by any Court in the said areas, if it be certified on the process that the proper fee has been levied under the rules in force in the territory in which the Court issuing the process is situated. When any Court in the said areas transmits a process for service or execution to any Court beyond its jurisdiction a certificate shall be endorsed on the process that the fee chargeable under Rule II has been levied.

IX. Ordinarily Process-servers should travel on foot when proceeding to serve or execute processes, but in special cases the Judge of the Court issuing the process may permit the journey to be made by Railway. In such cases the permission should be in writing and the Railway fare should be paid from Judicial contingencies, and not charged to the person at whose instance the process is issued.

X. A Court may remit the process fees, in whole or in part, whenever it is satisfied that the complainant or the accused has not the means of paying them.

XI. No fee shall be chargeable for any process of a Criminal Court issued through the Police in cognisable cases, or for any process issued by a Court of its own motion in any case whatsoever, or for any process issued upon the complaint of a public officer, acting as such officer.

[*Gazette of India*, 1923, Pt. II, p. 1353.]

*Remission and reduction of fees.*

No. 1584-G., dated the 23rd August, 1911.—In exercise of the powers conferred by section 35 of the Court-fees Act, 1870 (VII of 1870), as applied to the Cantonments of Mhow, Nimach and Nowgong (including the Civil Lines), and in supersession of all previous notifications on the same subject, the Governor General in Council is pleased—

- (a) to remit all fees payable under Schedule II to the said Act upon applications relating to licenses or duplicates granted or renewed under the Indian Arms Rules, 1909, as applied<sup>1</sup> to the Cantonments of Mhow, Nimach and Nowgong (including the Civil Lines), other than licenses or duplicates of the nature hereinafter referred to in sub-head (b); and
- (b) to reduce to one anna all fees, exceeding one anna payable under the said schedule upon applications relating to licenses or duplicates granted or renewed under the said Rules in respect of which—
  - (i) no fee is payable under the said Rules, or
  - (ii) the fee payable under the said Rules, has been collected in full.

[*Gazette of India*, 1911, Pt. I, p. 661.]

CATTLE TRESPASS ACT, 1871.

*Pound fees, Mhow.*

No. 736-B., dated the 26th May, 1908.—In exercise of the powers conferred by section 12 of the Cattle-trespass Act, 1871 (I of 1871) as applied to the Cantonments of Mhow, Nimach and Nowgong by the notifications<sup>2</sup> of the Government of India in the Foreign Department, No. 5022-I., dated the 24th December, 1891, and No. 270-I., dated

<sup>1</sup> The Arms Rules now in force are the Central India (Administered Areas) Arms Rules, 1921. Printed *infra*, p. 86.

<sup>2</sup> See now Notification No. 202-I., dated the 24th April, 1920. *supra*, p. 23.

the 20th March, 1895, the Agent to the Governor General is pleased to direct that for every head of cattle of any kind specified in the section which may be seized within the Cantonment of Mhow and impounded, the pound keeper shall levy double the fine mentioned in the scale given in the section.

[*Gazette of India*, 1908, Pt. II, p. 894.]

*Pound Fees, Neemuch.*

No. 1551-B.—108-13, dated the 11th August, 1913.—Whereas it appears to the Agent to the Governor General in Central India on the report of the Cantonment Authority at Neemuch that in that Cantonment cattle are habitually allowed to trespass on the land and damage crops or other produce thereon: the Agent to the Governor General is pleased to direct in exercise of the power conferred upon him by section 12 of the Cattle Trespass Act, 1871, as amended, that with effect from the 1st September, 1913, for every head of cattle specified below, which may be seized within the Cantonment and impounded in accordance with the provisions of the said Act, the Pound keeper shall levy a fine as per undermentioned scale instead of the rates now in force:—

*Scale.*

Cattle.	Rate of fine.		
	Rs.	A.	P.
Buffalo . . . . .	1	0	0
Bull, bullock, cow or heifer . . . . .	0	8	0
Calf . . . . .	0	4	0
Goat or kid . . . . .	0	2	0

[*Gazette of India*, 1913, Pt. II, p. 1545.]

*Pound Fees, Nowgong.*

No. 562-B., dated the 19th April, 1918.—In exercise of the powers conferred by section 12 of the Cattle Trespass Act, 1871 (I of 1871), as applied to the Administered Areas in Central India and in supersession of notification No. 777-B., dated the 19th June, 1908, as amended, the Agent to the Governor General in Central India is pleased to direct that for every buffalo, horse, mare, gelding, pony, colt, filly, bull, bullocks, cow, calf or ass which may be seized within the Cantonment of Nowgong and impounded in the Ohhatarpur Road Cattle Pound the pound-keeper shall levy a fine 50 per cent. in excess of the fine mentioned in the scale contained in the said section.

[*Gazette of India*, 1918, Pt. II, p. 695.]



*Extension of provisions to cattle and enhancement of fines.*

*No. 558-B., dated the 9th May, 1906.*—In exercise of the powers conferred by section 26 of the Cattle-trespass Act (I of 1871) as applied to the Cantonments of Mhow, Nimach and Nowgong by the notifications of the Government of India in the Foreign Department,<sup>1</sup> No. 5022-I., dated the 24th December, 1891, and No. 970-I., dated the 20th March, 1895, the Agent to the Governor General in Central India is pleased to direct, in respect to the said Cantonments, that the first portion of the said section shall be read as if it had reference to cattle generally instead of to pigs only and as if the words "fifty Rupees" were substituted for the words "ten Rupees".

[*Gazette of India*, 1906, Pt. II, p. 596.]

*Delegation of functions of District Magistrate to the Cantonment Committee. Credit of surplus fees to the Cantonment Fund.*

*No. 1022-B., dated the 11th August, 1909.*—In exercise of the powers conferred by section 31 of the Cattle-trespass Act, 1871 (I of 1871), as applied to the Cantonments of Mhow, Nimach and Nowgong (including the Civil Lines), the Agent to the Governor General in Central India is pleased to direct—

- (1) that the functions of the Magistrate of the district under sections 4, 5, 6, 12, 14 and 17 of the Act, in each of the places, shall be exercised by the "[Cantonment Authority] of the place; and
- (2) that the whole of the surplus arising in each of these places under section 18 of the Act shall be placed at the credit of the Cantonment Fund.

[*Gazette of India*, 1909, Pt. I, p. 1345.]

INDIAN ARMS ACT, 1878.

*Central India (Administered Areas) Arms Rules, 1921.*

*No. 2070-G., dated the 27th December, 1921.*—In exercise of the powers conferred by sections 4, 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), as applied<sup>2</sup> to the Administered Areas in Central India, the Governor General in Council is pleased to make the following rules:—

1. *Short title.*—(1) These rules may be called the Central India (Administered Areas) Arms Rules, 1921.

<sup>1</sup> See now Notification No. 202-I., dated the 24th April, 1929, *supra*, p. 23.

<sup>2</sup> Substituted by Notification No. 291-B., dated the 31st January, 1929, *Gazette of India*, 1929, Pt. II-A., p. 63.

<sup>3</sup> See Notification No. 202-I., dated the 24th April, 1929. Printed *supra*, p. 23.

(2) They shall come into force on the 1st January, 1922.

2. *Interpretation.*—(1) In these rules, unless there is anything repugnant in the subject or context,—

XI of 1878.

(a) “Form” means a form as set out in Schedule III; and

(b) “The Act” means the Indian Arms Act, 1878, as applied to the Administered Areas in Central India.

X of 1897.

(2) The General Clauses Act, 1897, as applied to the Administered Areas in Central India, shall apply for the purpose of the interpretation of these rules in like manner as it applies for the purpose of the interpretation of an Act of the Governor General in Council as applied to the aforesaid areas.

*Application of the Act.*

3. *Exemption and exclusion.*—(1) The persons and classes of persons and the arms and ammunition specified or described in Schedules I and II are, respectively, exempted and excluded to the extent and subject to the conditions therein specified from the operation of the prohibitions and directions contained in the Act.

Provided that the exemptions specified in Schedule I are made subject to the following conditions, namely:—

(a) they shall not be deemed to render lawful the import of arms and ammunition into the Administered Areas through the Post Office;

<sup>1</sup>[(b) any person so exempted shall register in such manner as the Agent to the Governor General in Central India may prescribe, any fire-arm or ammunition for the same in respect of which he is exempted from the operation of any provision of the Act;]

(c) every person shall, on the loss or theft of any arm in respect of which he is so exempted, forthwith report the occurrence at the nearest police-station; and

(d) the Governor General in Council may, by notification in the *Gazette of India*, direct that any such exemption conferred on a class of persons shall cease to apply to any persons included in that class who may be named in the notification.

(2) Any person failing to comply with any condition of exemption set out in provisos (b) and (c) to sub-rule (1) shall be deemed to have violated these rules.

4. *Extension.*—For the purposes of the definition of “Military Stores” in section 4 of the Act all sections of the Act are extended to all lead, sulphur and saltpetre.

<sup>1</sup> Substituted by Notification No. 258-G., dated the 21st May, 1924. *Gazette of India*, 1924, Pt. I, p. 378.

<sup>1</sup>[Provided that—

(i) no licence shall be granted for the possession of rifles of .303 or .450 bore or of <sup>2</sup>[pistols or revolvers of .441 .455 or any intermediate bore] or of ammunition for the same or for going armed with such rifles, pistols or revolvers unless such rifles, pistols or revolvers or such ammunition have been lawfully imported into the Administered Areas in Central India; and

(ii) no licence shall be granted in respect of ball'd ammunition for rifles, pistols or revolvers of such bores, unless the authority granting the licence is satisfied that such rifle is lawfully possessed by the owner thereof for sporting purposes or that such pistol or revolver has been lawfully imported into the Administered Areas in Central India, as the case may be, and the amount of ball'd ammunition which such licensee may possess during the period of twelve months next ensuing shall be entered in the licence.]

13. *Validity of licence in British India and vice versa.*—(1) A licence granted under rule 12 shall, ordinarily, be valid only within the Administered Areas in Central India:

Provided that any such licence may, on countersignature by the Agent to the Governor General in Central India or other officer so empowered, be made valid throughout British India \* \* \*

\* \* \* as though such licence had been granted under the "[Indian Arms Rules, 1924], such licence being subject to any restrictions which may be imposed by any general or special order of a Local Government in British India in regard to its own province.

(2) A licence granted under "[rule 33 of the Indian Arms Rules, 1924] may, on countersignature by the District Magistrate, or other officer empowered by the Agent to the Governor General in Central India in that behalf, be made valid within the Administered Areas in Central India subject to any restrictions which may be imposed by any general or special order of the Agent to the Governor General in Central India.

*Application for, and grant of, licences.*

14. *Particulars to be stated in applications.*—Every person who wishes to obtain a licence under these rules shall apply in writing

<sup>1</sup> Added by Notification No. 268-G., dated the 21st May, 1924. *Gazette of India, 1924, Pt. I, p. 878.*

<sup>2</sup> Substituted by Notification No. 876-G., dated the 29th July, 1924. *Gazette of India, 1924, Pt. I, p. 712.*

<sup>3</sup> Omitted by Notification No. 268-G., dated the 21st May, 1924. *Gazette of India, 1924, Pt. I, p. 878.*

<sup>4</sup> Substituted by ditto.

<sup>1</sup>[through the medium of the Post Office or otherwise at his option] to the nearest authority empowered to grant such licence and shall in such application furnish all such particulars as may be necessary to enable such licence to be granted.

15. *Form and language of licence.*—(1) Every licence shall be granted or renewed in the appropriate form and subject to the conditions set forth in such form and, save as therein otherwise expressly provided, the arms, ammunition, or military stores specified and the persons named in the licence shall alone be covered thereby.

(2) Every such licence shall be written or printed in English.

16. *Duration and renewal of licences.*—(1) Save as herein otherwise provided, every licence under these rules shall, unless previously cancelled, be in force for such period and expire on such day as, subject to any restrictions or limitations provided in the appropriate form, the authority granting it may enter thereon.

(2) Every licence may, at its expiration, be renewed by the authority who granted it.

17. *Discretion and control of authorities empowered to grant licences.*—(1) Any authority empowered to grant or renew a licence may, in his discretion—

(a) refuse to grant or renew such licence; or

(b) refer the application for orders to the Agent to the Governor General in Central India.

<sup>1</sup>[Provided that in any case in which such authority, other than the Agent to the Governor General in Central India, refuses to grant or renew a licence, the applicant for such grant or renewal may appeal to the Agent to the Governor General in Central India whose decision shall be final.]

(2) Every such authority shall exercise all powers and perform all duties conferred or imposed by these rules, subject to the control of the executive authorities to whom he is subordinate.

18. *Obligation to produce licences.*—(1) Any person who—

(a) holds a licence granted or renewed under these rules, or

(b) is acting under colour of such a licence,

shall forthwith produce such licence upon the demand of any Magistrate or of any Police Officer of a rank not below that of an officer in charge of a police-station.

(2) Nothing in sub-rule (1) shall be deemed to limit or otherwise affect the power of any authority empowered to grant or renew a licence, to grant or renew it upon any condition, not inconsistent with the said sub-rule with respect to the production of such licence.

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<sup>1</sup> Inserted by Notification No. 253-G., dated the 21st May, 1924. *Gazette of India*, 1924, Pt. I, p. 378.

Persons or classes of persons,	Arms and Ammunition.	Provisions and restrictions.	Prohibitions and directions,
2. All persons and classes of persons who in the area to which these rules apply occupy positions similar to those held by persons described in entry 1 above and are designated by the Agent to the Governor General in Central India.	All except— (a) cannon; (b) articles designed for torpedo service; (c) war rockets; 1[(d) rifles of 303 or 450 bore and 2[pistols or revolvers of .441, .455 or any intermediate bore] (other than rifles, pistols or revolvers of such bore lawfully imported into the Administered Areas in Central India) and ammunition which can be fired from the same;] (e) machinery for the manufacture of arms and ammunition; (f) appliances the object of which is the silencing of fire-arms.	The exemption shall be subject to such orders as the Agent to the Governor General in Central India may make regarding— (a) The persons to be included in this category; (b) the number of retainers and the quantity and description of arms and ammunition to be permitted in each case; (c) the purpose for which such arms may be carried; (d) the areas within which the exemption is to be allowed.	Those contained in sections 13 to 16 of the Act.

## SCHEDULE II.

(See rule 3.)

### ARMS, AMMUNITION AND MILITARY STORES EXCLUDED.

The arms, ammunition and military stores described in the first column are exempted from the operation of such prohibitions and directions contained in the Act as are indicated in the second column.

#### THE TABLE.

Arms, ammunition or military stores.	Prohibitions and directions.
1. (i) All arms except— (a) cannon, (b) fire-arms, (c) air guns, (d) articles designed for torpedo service, (e) war rockets, (f) machinery for the manufacture of arms, and (g) appliances the object of which is the silencing of fire-arms.	All; provided that the Agent to the Governor General in Central India may, by notification in the local official gazette, retain all or any of the prohibitions and directions contained in the Act in respect of any arms in the case of any class of persons or any specified area.

<sup>1</sup> Substituted by Notification No. 253-G., dated the 21st May, 1924. *Gazette of India, 1924, Pt. I, p. 378.*

<sup>2</sup> Substituted by Notification No. 376-G., dated the 29th July, 1924. *Gazette of India, 1924, Pt. I, p. 713.*

Arms, ammunition or military stores.

Prohibitions and directions.

Provided that the exceptions in respect of cannon, fire-arms and air guns shall not apply—

- (a) to cannon and fire-arms which are obsolete and unserviceable and of purely antiquarian value or which are kept in the possession of a regiment or military mess as trophies or curiosities or otherwise solely for purposes of ornament or display, or,
- (b) to toy cannon, weighing less than 56 lbs. and having—
  - (i) a calibre of less than one inch,
  - (ii) a length of bore of less than 24 inches, and
  - (iii) the interior of the bore unrifled, or
- (c) to air guns which satisfy the following test, namely that projectiles discharged from such guns do not perforate a target 12 inches square formed by five strawboards of foolscap size, each board being 3/64ths of an inch thick and closely held together in a frame.

*Explanation.*—In making and estimating the test the following conditions shall be observed, namely:—

- (a) the gun shall be held horizontally with the muzzle at a distance of five feet from the target,
- (b) the test shall be repeated twenty times for each class of projectile which can be discharged from the gun, and
- (c) perforation shall be deemed to be effected in a case where the projectile is a dart, if the point of the dart pierces the back of the target, and in any other case if the projectile passes completely through the back of the target.

2. Sights for rifles imported for the use of, or for sale to, the persons enumerated in [entry (8) of Schedule I to Indian Arms Rules, 1924], or non-commissioned officers and soldiers of His Majesty's regular forces on a written permit from the officer commanding the regiment to which they belong.

All.

3. Explosives made in small quantities for the purpose of chemical experiment and not for practical use or for sale, and the following classes of explosives when intended *bona fide* for private blasting purposes:—

Those contained in sections 5 and 14.

- (1) gunpowder in any quantity not exceeding 30 pounds,
- (2) cartridges made with gunpowder and not containing their own means of ignition, and containing in all not more than 30 pounds of gunpowder,
- (3) percussion caps,
- (4) safety fuses,

Those contained in section 14.

4. All arms, ammunition and military stores brought into the Administered Areas in Central India, from the areas of the Ruling Princes and Chiefs of Central India directly administered by them (except through the medium of the Post Office), provided the person importing such arms, ammunition or military stores is lawfully entitled to possess them.

Those contained in section 6.

Arms, ammunition or military stores.	Prohibitions and directions.
5. All arms, ammunition and military stores taken out of the Administered Areas in Central India into areas of the Ruling Princes and Chiefs of Central India directly administered by them, provided the person taking out such arms, ammunition or military stores is lawfully entitled to possess them.	Those contained in section 6.
6. Gun-wads and wire cartridges.	Ditto.
7. Lead required in good faith for industrial and manufacturing purposes (other than the manufacture of bullets and bird-shot) up to any quantity.	All.
8. Lead bullets and bird-shot in quantity not exceeding such limits as the Agent to the Governor General in Central India may fix.	All.
9. Saltpetre.	
10. Sulphur in quantities not exceeding such limits as the Agent to the Governor General in Central India may fix.	All.

## SCHEDULE III.

## FORM I.

[See Rule 7 (1) (a).]

FEE—TWENTY RUPEES.

*Licence to manufacture, convert, sell or keep for sale, arms, ammunition or military stores (other than breech-loading rifles, rifle ammunition or military stores for rifles).*

Serial number of licence.	Name, description and residence of licensee [and of duly authorised agent or agents, if any].	Place of business factory or shop	Description of Arms.		Description of Ammunition or Military Stores.		Date on which the licence expires.
			To be manufactured or converted.	To be sold or kept for sale.	To be manufactured.	To be sold or kept for sale.	
1	2	3	4	5	6	7	8
							The 31st December 19..

(Signature.)

The

of

19

Seal.

(Officer authorised to grant the licence.)

<sup>1</sup> Inserted by Notification No. 253-G., dated the 21st May, 1924. Gazette of India, 1924, Pt. I, p. 378.

*Form for renewal of the Licence.*

Date and year of renewal.	Date on which the renewed licence expires.	Signature of officer renewing licence.

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Administered Areas in Central India, and of the Central India (Administered Areas) Arms Rules, 1921.

2. The licensee shall maintain registers of all arms manufactured or converted, of all ammunition and military stores manufactured, of all stock in hand, and of all sales in such form as the Agent to the Governor General in Central India may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police Officer of a rank not below that of Inspector, or if the Agent to the Governor General in Central India so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business, factory or shop, a signboard, on which shall be painted in large letters in English and in the vernacular of the district his name and the words "Licensed to manufacture (or "Licensed to deal in", as the case may be) arms, ammunition and military stores".

(2) He shall also affix in his place of business, factory or shop a copy of section 28 of the Act, either in English or in the vernacular of the district.

5. He shall at the time of purchase of arms <sup>1</sup>[and at the time of purchase of ammunition for rifles other than .22 bore, revolvers or pistols] endorse upon the licence of every purchaser holding a licence in Form VIII—

(a) the name, description and residence of the person who takes delivery of the articles sold,

<sup>1</sup> Inserted by Notification No. 253-G., dated the 21st May, 1924. *Gazette of India*, 1924, Pt. I, p. 378.



(b) the nature and quantity of the articles sold, and

(c) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Agent to the Governor General in Central India may direct.

8. He shall not sell to any person licensed to possess or carry arms, ammunition in excess of the maximum which may be fixed by the Agent to the Governor General in Central India for such person and which is endorsed on such person's licence.

9. He shall not sell arms, ammunition or military stores elsewhere than at the place of business, factory or shop specified in column 3.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer or soldier of His Majesty's Indian Forces, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. He shall not keep Government arms, ammunition or military stores or, unless he is specially authorised in this behalf by the Agent to the Governor General in Central India, keep or sell revolvers manufactured out of India or magazine pistols.

*Explanation:—*For the purposes of this condition—

(a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and

(b) "Government ammunition" and "Government military stores" mean, respectively, ammunition and military stores manufactured in any Government factory, or prepared for, and supplied to, Government.

<sup>1</sup>[The licensee shall forthwith give information to the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.]

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<sup>1</sup> Substituted by Notification No. 253-G., dated the 21st May, 1924. *Gazette of India, 1924, Pt. I, p. 573.*

[See rule 7 (1) (b).]

FEE—TEN RUPEES.

*Licence to sell and keep for sale arms, ammunition or military stores  
(other than breech-loading rifles, rifle ammunition or military stores  
for rifles).*

Serial number of licence.	Name, description and residence of licensee if and of duly authorised agent or agents, if any.]	Place of business or shop.	Description of—		Date on which the licence expires.
			Arms.	Ammuni- tion or military stores.	
1	2	3	4	5	6
					The 31st Decem- ber 19 .

(Signature.)

*Officer authorised to grant the licence.*

Seal.

The of 19 . }

<sup>1</sup> Inserted by Notification No. 258-G., dated the 31st May, 1924. *Gazette of India*, 1924, Pt. I, p. 376.

FORM III.

[See rule 7 (2) (a).]

FEE—(a) where the licensee holds a licence in Form I, FREE OF ALL  
CHARGE;

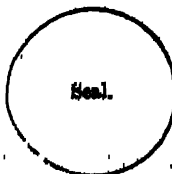
(b) in all other cases, TWENTY RUPEES.

*Licence to manufacture, convert, sell or keep for sale breech-loading rifles,  
rifle ammunition or military stores for rifles.*

Serial number of Licence.	Name, de- scription and residence of licensee [and of only authorized agent or agents, if any ].	Place of business, factory or shop.	Description of Arms.		Description of Ammunition or Military Stores.		Date on which the licence expires.
			To be manu- factured or con- verted.	To be sold or kept for sale.	To be manu- factured.	To be sold or kept for sale.	
1	2	3	4	5	6	7	8
							The 31st Decem- ber 19 .

(Signature.)

The of 19 . }



First Assistant to the Agent to the  
Governor General in Central India.

*Form for renewal of the Licence.*

Date and year of renewal.	Date on which the renewed licence expires.	Signature of the First Assistant to the Agent to the Governor General in Central India.

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Administered Areas in Central India, and of the Central India (Administered Areas) Arms Rules, 1921.

2. The licensee shall maintain registers of all arms, ammunition and military stores in stock, and of all sales, in such form as the Agent to the Governor General in Central India may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police Officer of a rank not below that of Inspector, or, if the Agent to the Governor General in Central India so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business, factory or shop a signboard, on which shall be painted in large letters in English and in the vernacular of the district his name and the words "Licensed to deal in breech-loading rifles, rifle ammunition and military stores for rifles".

(2) He shall also affix in his place of business, factory or shop a copy of section 28 of the Act, either in English or in the vernacular of the district.

*Form for renewal of the Licence.*

Date and year of renewal.	Date on which the renewed licence expires.	Signature of the First Assistant to the Agent to the Governor General in Central India

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Administered Areas in Central India, and of the Central India (Administered Areas) Arms Rules, 1921.

2. The licensee shall maintain registers of all arms, ammunition and military stores in stock, and of all sales, in such form as the Agent to the Governor General in Central India may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police Officer of a rank not below that of Inspector, or if the Agent to the Governor General in Central India so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business or shop a signboard, on which shall be painted in large letters in English and in the vernacular of the district his name and the words "Licensed to deal in breech-loading rifles, rifle ammunition and military stores for rifles".

(2) He shall also affix in his place of business or shop a copy of section 28 of the Act either in English or in the vernacular of the district.

5. He shall at the time of purchase of arms <sup>1</sup>[and at the time of purchase of ammunition for rifles other than .22 bore, revolvers or pistols] endorse upon the licence of every purchaser holding a licence in Form VIII—

(a) the name, description and residence of the person who takes delivery of the articles sold,

(b) the nature and quantity of the articles sold, and

(c) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Agent to the Governor General in Central India may direct.

8. He shall not sell arms, ammunition or military stores elsewhere than at the place of business specified in column 3.

9. He shall not keep (Government arms, ammunition or military stores.

*Explanation:—*For the purposes of this condition—

(a) "Government arm" means a fire-arm or other weapon which is the property of the Government, and

(b) "Government ammunition" and "Government military stores" mean, respectively, ammunition and military stores manufactured in any Government factory or prepared for, and supplied to, Government.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer or soldier of His Majesty's Indian Forces, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

<sup>1</sup>[The licensee shall forthwith give information to the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.]

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<sup>1</sup> Inserted and substituted by Notification No. 252-G., dated the 21st May, 1904. Gazette of India, 1904, Pt. I, p. 378.

FORM V.

(See rule 8.)

FREE OF ALL FEE.

*Licence for the possession by holder of licence in Form I, II, III or IV, of  
firearms and ammunition deposited by their owners for safe custody.*

Name, description and residence of licensee <sup>1</sup> and of duly authorised agent or agents, if any ].	Description of firearms and ammunition.	Place (with description) where articles are to be kept.	* Period for which the licence is valid.
1	2	3	4

(Signature.)



Officer authorised to grant the licence.

The of 19 . }

Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Administered Areas in Central India, and of the Central India (Administered Areas) Arms Rules, 1921.

2. It covers only the firearms and ammunition of the description given in column 2, so long as they are kept in the place described in column 3, but does not authorise the licensee—

(i) to go armed, or

(ii) to keep Government arms or ammunition.

\* Note.—A licence in this form may be granted for any period ending on the day on which the licensee's licence in Form I, II, III or IV, as the case may be, is due to expire.

<sup>1</sup> Inserted by Notification No. 253-G., dated the 21st May, 1924. Gazette of India, 1924, Pt. I, p. 378.

*Explanation.*—For the purposes of this condition—

- (a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and  
(b) "Government ammunition" means ammunition manufactured in any Government factory or prepared for, and supplied to, Government.

3. The licensee shall maintain a register of all arms and ammunition in his possession under this licence in such form as the Agent to the Governor General in Central India may direct.

4. He shall exhibit such arms and ammunition and his register on the demand of any Magistrate or any Police Officer of a rank not below that of Inspector, or, if the Agent to the Governor General in Central India so directs, of Sub-Inspector.

5. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by the licence.

FORM VI.

(See rule 10.)

FREE OF ALL FEE.

*Licence for the possession of arms (other than pistols or revolvers), ammunition or military stores.*

Name, description and residence of licensee and agent (if any).	Number and description of arms.	Ammunition or Military Stores.		Place (with description) where articles are to be kept.	Period for which the licence is valid.
		Description.	Quantity.		
1	2	3	4	5	6

Seal.

(Signature.)

The of 19

Officer authorised to grant the licence.



*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Administered Areas in Central India, and of the Central India (Administered Areas) Arms Rules, 1921.

2. It covers only the arms, ammunition and stores specified in columns 2, 3 and 4, so long as they are kept in the place described in column 5, but does not authorise the licensee—

- (i) to go armed, or
- (ii) to keep Government arms or ammunition.

*Explanation:—*For the purposes of this condition—

- (a) “Government arm” means a firearm or other weapon which is the property of the Government; and
- (b) “Government ammunition” means ammunition manufactured in any Government factory or prepared for, and supplied to, Government.

3. Condition 2 (ii) may be cancelled by the authority granting the licence, if empowered to do so by the Agent to the Governor General in Central India and an endorsement added showing the Government arms and ammunition which the licensee is authorised to possess.

4. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms covered by the licence.

5. The authority granting the licence has the right to inquire at any time during the currency of the licence whether the weapon for which it has been granted is still in the possession of the licensee, and may require the production of the weapon for the purpose of such an enquiry.

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**FORM VII.**

*(See rule 11.)*

**FEE—**

- (a) for each breech-loading weapon, Five Rupees,
  - (b) for other weapons, Eight Annas,
- for each weapon.

The abovementioned fees are for licences granted for periods of one year or less. A licence in this form may be granted for any period exceeding one year and not exceeding three years, in which case a compounded fee shall be levied.

*Licence for the possession and use, for the purpose of target practice, of  
firearms and ammunition.*

Serial number of licence.	Name, description and location of mess, club or association	Arms or Ammunition that Licencee is entitled to possess.		Place within which the licence is valid.	Date on which the licence expires.
		Description.	Quantity.		
1	2	3	4	5	6

Seal.

(Signature.)

The of 19 . } *Officer authorised to grant the licence.*

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Administered Areas in Central India, and of the Central India (Administered Areas) Arms Rules, 1921.

2. It covers only the mess, club or association named and the arms and ammunition described therein.

3. The mess, club or association, at the time of purchasing any new arms <sup>1</sup>[and at the time of purchasing ammunition for rifles of other than .22 bore, revolvers and pistols] shall cause the following particulars to be endorsed upon its licence under the vendor's signature namely:—

- (a) the name, description and residence of the person who takes delivery of the articles purchased on behalf of the mess, club or association;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase;

<sup>1</sup>[and if the arms or ammunition are purchased from any person other than a licensed dealer shall also cause the particulars specified in clauses

<sup>1</sup> Inserted by Notification No. 253-G., dated the 21st May, 1924. Gazette of India, 1924, Pt. I, p. 378.

(b) and (c) to be furnished in writing to the authority who granted the licence within such period as may be prescribed by that authority for this purpose].

4. The mess, club or association shall not purchase ammunition in excess of the maximum which may from time to time be fixed by the Agent to the Governor General in Central India.

<sup>1</sup> [5. The mess, club or association shall forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by the licence.]

6. The licence does not authorise any member of the mess, club or association to keep Government arms or ammunition.

*Explanation:*—For the purposes of this condition—

(a) "Government arm" means a firearm or other weapon which is the property of the Government;

(b) "Government ammunition" means ammunition manufactured in a Government factory or prepared for, and supplied to, Government.

7. The Agent to the Governor General in Central India may require any firearm or ammunition possessed by the mess, club or association to be registered in such manner as the Agent to the Governor General in Central India thinks fit.

8. The authority granting the licence has the right to inquire at any time during the currency of the licence whether the weapons for which it has been granted are still in the possession of the mess, club or association and to require the production of such weapons for the purposes of such inquiry.

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FORM VIII.

[See rule 12.]

<sup>1</sup>[Fee—

I. The following fees shall be payable in respect of licences granted for the first time for periods of one year or less—

(i) for a breech-loading pistol or revolver, *ten rupees*;

(ii) for any other breech-loading weapon, *five rupees*;

(iii) for other weapons, *eight annas* for each weapon.

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<sup>1</sup> Substituted by Notification No. 253-G., dated the 21st May, 1924. *Gazette of India*, 1924, Pt. I, p. 373.

II. Should the licence be renewed for a further period, the fee payable in respect of each renewal for a period of one year or less for a weapon of each of the classes referred to in clauses (i), (ii) and (iii) of paragraph I, shall be *five rupees, rupees two and annas eight and annas eight*, respectively, provided that in such cases application for renewal is made within one month of the date on which the licence expires, and if application is not made, within that period, the licensing authority may, in his discretion, levy fees at the original rate.

III. A licence in this form may be granted or renewed for any period not exceeding three years, and if the period for which a licence is granted or renewed exceeds one year, the fee shall, subject to the proviso to paragraph II, be levied at the annual rates hereinbefore prescribed for grant or renewal, as the case may be.]

*Licence for possession of arms and ammunition and for going armed for the purpose of <sup>sport</sup> protection <sub>display</sub>.*

Serial number of licence.	Name, description and residence of licensee and agent (if any)	Arms or Ammunition that Licensee is entitled to possess.		Retainers (if any) covered by the licence.			Arms or Ammunition that retainer is entitled to possess.		District or place within which the licence is valid.	Date on which the licence expires.
		Description.	Quantity.	Name of retainer.	Name of retainer's father.	Address of retainer.	Description.	Quantity.		
1	2	3	4	5	6	7	8	9	10	11

(Signature.)



Officer authorised to grant the licence.

*Form for renewal of the Licence.*

Date and year of renewal.	Date on which the renewed licence expires.	Signature of officer renewing the licence.

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Administered Areas of Central India, and of the Central India (Administered Areas) Arms Rules, 1921.

2. It covers only the persons named, and the arms and ammunition described therein and such retainers (if any) as may be entered in column 5.

3. It extends only to the district or place specified in column 10.

4. The licensee or any retainer acting under this licence shall not go armed with any arms covered thereby otherwise than in good faith for the purpose of <sup>sport</sup>~~protection~~ and, save where he is specially authorised in this behalf by the District Magistrate or a Sub-Divisional Magistrate specially empowered by the Agent to the Governor General in Central India to grant licences, he shall not take any such arms to a fair, religious procession, or other public assemblage.

5. The licensee, at the time of purchasing any new arms, <sup>1</sup>[and at the time of purchasing ammunition for rifles, other than .22 bore, revolvers and pistols] shall cause the following particulars to be endorsed upon his licence under the vendor's signature, namely—

- (a) the name, description and residence of the person who takes delivery of the articles purchased;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase,

<sup>1</sup>[and if the arms or ammunition are purchased from any person other than a licensed dealer shall also cause the particulars specified in clauses

<sup>1</sup> Inserted by Notification No. 253-G., dated the 21st May, 1924. *Gazette of India*, 1924, Pt. I, p. 373.

(b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed for this purpose by such authority.]

6. He shall not purchase ammunition <sup>1</sup>[for rifles, other than .22 bore, revolvers and pistols] in excess of the maximum which may from time to time be fixed by the Agent to the Governor General in Central India.

<sup>2</sup>[7. He shall forthwith give information to the nearest police station of the loss or theft of any arms covered by the licence.]

8. He shall not possess Government arms and ammunition.

*Explanation*.—For the purposes of this condition—

(a) "Government arm" means a firearm or other weapon which is the property of the Government; and

(b) "Government ammunition" means ammunition manufactured in any Government factory or prepared for, and supplied to, Government.

9. Condition 8 may be cancelled by the authority granting the licence if empowered to do so by the Agent to the Governor General in Central India, and an endorsement added showing the Government arms and ammunition which the licensee is authorised to possess.

10. Where the licence is granted for the purpose of sport the licensee or any retainer acting under the licence shall observe such close season as may be prescribed by the Agent to the Governor General in Central India in respect of any game-birds and animals.

11. The licensee shall report any change of his permanent residence to the authority who granted him the licence.

12. The authority granting the licence has the right to require at any time during the currency of the licence whether the weapon for which it has been granted is still in the possession of the licensee, and to require the production of the weapon for the purposes of such inquiry.

[*Gazette of India*, 1921, Pt. I, p. 1743.]

#### HACKNEY CARRIAGE ACT, 1879.

##### *Rules for Hackney Carriages.*

*No. 16-B., dated the 7th January, 1915.*—In exercise of the powers conferred by section 4 of the Hackney Carriage Act, 1879 (XIV of 1879), as applied<sup>3</sup> to the Cantonments of Mhow, Nimach and Nowgong and

<sup>1</sup> Inserted by Notification No. 253-G., dated the 21st May, 1924. *Gazette of India*, 1924, Pt. I, p. 878.

<sup>2</sup> Substituted by ditto.

<sup>3</sup> See Notification No. 232-I., dated the 24th April, 1920, *supra*, p. 23.

the Indore Residency Bazars, the Agent to the Governor General in Central India is pleased to make the rules hereto appended for the regulation and control of hackney carriages for the conveyance of passengers within those areas.

2. \* \* \* \* \*

### *Rules.*

I. For the purpose of these rules—

- (i) 'Local Authority' means the Cantonment Authority in the Cantonments of Mhow, Nimach and Nawgong, and the Bazar Authority in the Indore Residency Bazars.
- (ii) 'Local limits' means the limits of the Cantonments of Mhow, Nimach and Nowgong and of the Indore Residency Bazars, respectively.

II. No hackney carriage shall be let to hire, or taken to ply, or offered for hire, except under a carriage license.

III. No person shall act as driver of a hackney carriage except under a driver's license.

IV. Hackney carriages shall be of three classes, of the descriptions specified in the second column of the first schedule hereto annexed, and the number of passengers and weight of property which each may carry, and the license fee to be paid in respect of each shall be as stated in the corresponding entries in the third, fourth and fifth columns of that schedule. But the Local Authority may establish a special class, and prescribe a special license on such terms as it may think fit, for carriages of a distinctly superior type and may exempt carriages of that class from all or any of the provisions of these rules.

V. The license required by rules II and III shall be granted by a Licensing Officer appointed for the purpose by the Local Authority, and shall be issued for the financial year, namely, from the 1st April to the 31st March, or the portion thereof still remaining at the date of the grant of the license.

VI. Applications for carriage licenses shall be submitted to the Licensing Officer stating the class in which it is desired that the carriage may be licensed, and the carriage, together with the animals and harness to be used with it, shall be produced for the inspection of the Licensing

Officer at such time and place as he may appoint. It shall be in the discretion of the Licensing Officer, after such inspection, whether to grant the application or not.

VII. When an application under rule VI is granted, the Licensing Officer shall forthwith issue a license under his signature, together with a card or metal plate which he shall cause to be affixed to the carriage in some conspicuous place, and shall enter thereon, as also in a register to be maintained by him, the following particulars:—

- (1) The number assigned to the carriage.
- (2) The class in which it is licensed.
- (3) The name and residence of the person to whom the license is issued, who thereupon shall be deemed for the purposes of these rules to be the owner of the carriage.
- (4) The description, number and height of the animals to be employed in drawing the carriage, or the number only if it is to be drawn by camels or bullocks.
- (5) The number of passengers and the weight of luggage that the carriage may carry.
- (6) The date of issue and the date of expiry of the license.

The entries in the license and in the register shall be in English, and on the card or metal plate in English and Hindi.

VIII. On the issue of a license under rule VII, the owner shall cause its number and class to be distinctly painted on the outside of the carriage in Hindi, and also in English if it is of the first or second class, and shall also affix in a conspicuous place in the inside of the carriage a schedule in English and Hindi of the rates of fare chargeable under these rules for carriages of its class.

IX. Camel and bullock carriages and *ekkas* must carry one good and sufficient light placed, in the case of *ekkas*, on the right-hand side. All other hackney carriages must carry two carriage lamps of the usual pattern, properly fixed with clean glasses.

X. (1) If the owner of a licensed hackney carriage ceases to ply it for hire, or changes his residence, he shall notify the fact in writing to the Licensing Officer within one week.

(2) If the owner of a licensed hackney carriage disposes of it to any other person, the license shall cease to be in force, until such person notifies the transfer, together with his name and residence, in writing



to the Licensing Officer, who thereupon shall amend the license and the register accordingly on payment of a fee of one rupee.

XI. Applications for driver's licenses shall be presented in person to the Licensing Officer in whose discretion it shall rest whether to grant sanction thereto or not. Sanction shall be refused if the Licensing Officer considers an applicant incompetent to drive.

XII. When an application under rule XI is granted, the Licensing Officer shall forthwith sign and issue to the applicant, on payment of a fee of eight annas, a numbered license specifying his name and father's name, the class of carriage which he is licensed to drive, and the date of issue and the date of expiry of his license, together with a non-transferable metal badge or ticket bearing the number of his license. The Licensing Officer shall also enter the licensee's name and father's name, age and residence, together with the number of his license in a register to be maintained by him for the purpose.

XIII. Every licensed driver—

- (a) must, while on duty, be sufficiently and cleanly clad;
- (b) must maintain his badge or ticket and license in good and legible condition, must carry the same with him while on duty and must produce his license when required by a Magistrate or other person authorised in that behalf by the Local Authority; and
- (c) must deposit his badge or ticket with the Licensing Officer if he discontinues his employment temporarily or otherwise.

The Licensing Officer may suspend or revoke a driver's license for any breach of these requirements.

XIV. It shall be the duty of the owner of a licensed hackney carriage—

- (a) to maintain in a good and legible condition the card or plate affixed to the carriage under rule VII, and the painted sign and schedule of fares required by rule VIII;
- (b) to see that the carriage, animals and harness are in a serviceable condition and properly kept, and to carry out any instructions that he may receive from the Licensing Officer in that respect;
- (c) to see that the yard, premises and stabling in which the carriage and animals are kept are clean and in good order, and to carry out any instructions that he may receive in that respect from any officers appointed in that behalf by the Local Authority; and

- (d) to attend in person, or to cause some responsible person to be present, on the premises to supply the carriage when required.

The Licensing Officer may suspend or revoke a carriage license for any breach of these requirements.

XV. An appeal shall lie to the Local Authority from any order of the Licensing Officer under these rules.

XVI. The Local Authority may determine the places where hackney carriages shall be allowed to wait for hire and may prohibit them from doing so at any other place.

XVII. The rates of fare specified in the second schedule hereto annexed shall be charged and paid for the hire of hackney carriages. Fares for distances beyond local limits must be settled by private agreement. Nothing contained in these rules shall prevent any owner of a hackney carriage from contracting for the hire of such carriage by the day or month on such terms as may be arranged between the owner and the hirer.

XVIII. The driver of a hackney carriage is entitled to claim his discharge from any hirer after having been employed by such hirer for a whole day of nine hours, or at any time in case of himself being sick or his animal being lame or sick, provided that in either case he supplies another hackney carriage to the hirer, if required to do so and if another can be found. A driver or owner may refuse to let his carriage in the same circumstances or when asked to ply beyond local limits, and shall be bound to do so when asked to carry a greater number of passengers or a greater weight of property than he is licensed to carry; or any person suffering from a contagious or infectious disease or a corpse or dead body. Should it come to the knowledge of any owner or driver that his carriage has been used to convey a person suffering from an infectious or contagious disease, he shall at once report the fact to the Licensing Officer and shall not allow his carriage again to be used until it has been disinfected to the satisfaction of the Licensing Officer.

XIX. It shall be incumbent on the driver and owner of a hackney carriage in which any property is left to take it, unless sooner claimed by the owner, to the nearest Police Station within twenty-four hours. The Police officer in charge shall thereupon forward the property to the District Magistrate, or such officer as he may appoint, who shall forthwith enter in a book to be kept for that purpose the description of it and the name and the address of the driver who found it. The property may be returned to any person claiming it on satisfactory proof that he

is the owner, after payment of all expenses incurred and of a reasonable reward to the driver to be fixed by the said Magistrate; but if it is not claimed and title to it established within one year after it has been deposited, it may be sold or otherwise disposed of and the proceeds, after deducting the expenses, shall be given half to the driver and half to the funds of the Local Authority.

XX. Licenses may be suspended or revoked by order of a Magistrate, in any case which may come before him, on proof of any breach of these rules or of any of the following acts:—

- (1) Allowing an unlicensed hackney carriage to ply for hire.
- (2) Employing or permitting an unlicensed driver to drive a hackney carriage.
- (3) An owner or driver of a hackney carriage, beating cruelly, illtreating, overdriving, torturing or causing or procuring or permitting any animal drawing the same, to be cruelly beaten, ill-treated, overdriven or tortured, or carrying a greater number of passengers or a greater weight of property than he is licensed to carry.
- (4) An owner or driver of a hackney carriage harnessing or driving, or permitting to be harnessed or driven, any animal which from sickness, age, wounds or other causes is unfit to be harnessed or driven.
- (5) Being the driver of a hackney carriage who shall be drunk during his employment, or make use of insulting or abusive language, or gesture, or who shall wilfully obstruct or hinder the driver of any other carriage in taking up, or setting down any person, or who shall wrongfully prevent or endeavour to prevent the driver of another hackney carriage from being hired, or who being hired by time shall desert from the hiring before he has been discharged by the hirer.
- (6) Being the owner or driver of a hackney carriage who shall demand more than the proper fare to which he is entitled under these rules or who shall refuse to ply for hire or to admit and carry in his carriage a number of persons and amount of property for which it is licensed except on reasonable and sufficient grounds.
- (7) Being the owner of a hackney carriage and omitting to produce the driver employed thereon, when ordered by a Magistrate to do so.

FIRST SCHEDULE.—(Rule IV).

1	2	3	4	5					
Classes of Hackney carriages.	Descriptions of Hackney carriages.	Maximum number of Passengers to be carried.		Maximum weight of property to be carried.	Licence fees per annum. <sup>1</sup>				
		Mhow, Nimach, Indore Residency Bazar.	Nowgong.						
1st class	Carriages drawn by one horse of the height of 15 hands or over, or two horses of the height of 13 hands or over, regard being had to the condition of the horse or horses and the state of the carriage which must be such as to entitle it to rank in the first class. Carriages drawn by one horse of the height of 14 hands or over, or two horses of the height of 13 hands or over. Provided that when any horse or horses are not of the stipulated height, but are nevertheless, in the opinion of the Licensing Officer, fit to draw the carriage of the class for which the license is applied for the license may be granted for that class.	Four-wheeled carriages drawn by two horses or one horse and superior tonous drawn by two ponies (not under 13-2 hands).	3	1	Maunds. 8	Mhow, Nimach, Indore Residency Bazar.	Nowgong.	Mhow, Nimach, Indore Residency Bazar.	Ra. 6
2nd class	Carriages drawn by one horse of the height of 14 hands or over, or two horses of the height of 13 hands or over. Provided that when any horse or horses are not of the stipulated height, but are nevertheless, in the opinion of the Licensing Officer, fit to draw the carriage of the class for which the license is applied for the license may be granted for that class.	Tonous drawn by two ponies and superior two-wheeled carriages drawn by one pony (not under 13-2 hands).	3	1	3	3	2	4	4
3rd class	Carriages of descriptions other than the above.	Inferior tonous drawn by two ponies, inferior carriages drawn by one pony, vehicles drawn by one bullock and bullock coaches and bullock carts drawn by two bullocks.	3	4	3	3	3	1	4

<sup>1</sup> Substituted by Notification No. 215-B., dated the 26th January 1917. Gazette of India, 1917, Pt. II, p. 250.

## SECOND SCHEDULE.—(Rule XVII).

Classes of Railway carriage.	FARES BY TIME. (c)								Fares by distance within local limits. (d)	Explanations.
	For a day of 24 hours.		For half a day of 12 hours.		For quarter day of 6 hours.		For one hour or less.			
	Mhow, Nimach, Indore Residency Bazars.	Nowgong. Indore Residency Bazars.	Mhow, Nimach, Indore Residency Bazars.	Nowgong. Indore Residency Bazars.	Mhow, Nimach, Indore Residency Bazars.	Nowgong. Indore Residency Bazars.	Mhow, Nimach, Indore Residency Bazars.	Nowgong. Indore Residency Bazars.		
	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	
1st class.	4 0	4 0	2 8	1 12	1 8	1 8	1 4	0 12	0 8	(e) Night fares are 3 annas extra for each hour or part of an hour between 8-30 P.M. and 4 A.M. in Nowgong, and between 7 P.M. and 5 A.M. elsewhere.
2nd class.	2 8	3 0	1 8	1 6	1 2	1 2	0 14	0 8	0 6	(f) In Mhow and Nimach fares by distance are for a single journey to or from the Railway Station from or to any place within local limits. In the Indore Residency Bazaar fares by distance are for a single journey to or from the Railway Station from or to any place within local limits except the Dady College and the Malwa Bhil Corps lines for which an extra charge of annas 3 and annas 4 respectively will be made in the case of such class of carriage. In Nowgong fares by distance are charged per mile for any journey within local limits.].
3rd class.	1 12	1 12	1 2	1 0	0 14	0 10	0 6	0 6	0 3	1] (in the case of Mhow 6 annas).

\* Inserted by Notification No. 1404-B., dated the 17th September, 1926. Gazette of India, 1926, Pt. II-A, p. 849.  
\* Substituted by Notification No. 2013-B.—198—19, dated the 2nd December, 1926. Gazette of India, 1926, Pt. II-A, p. 454.

*Rules for bullock-carts in Mhow Cantonment.*

No. 2207-B., dated the 13th October, 1924.—In exercise of the powers conferred by section 4 of the Hackney-Carriage Act, 1879 (XIV. of 1879) as applied to the Cantonments of Mhow, Nimach and Nowgong, the Agent to the Governor General in Central India is pleased to make the rules hereto appended for the regulation and control of bullock-carts for the conveyance of goods and materials within the Cantonment of Mhow.

*Rules.*

I. For the purposes of these rules—

- (a) "Local Authority" means the Cantonment Authority in the Cantonment of Mhow.
- (b) "Local Limits" means the limits of the Cantonment of Mhow.

II. No bullock-cart shall be let to hire or taken to ply or offered for hire except under a cart-license and a driver's license.

III. Licenses shall be granted by the Local Authority, or by such Licensing Officer as the Local Authority may appoint at their or his discretion, on payment of a fee of two rupees for a cart-license and of four annas for a driver's license respectively, and shall expire on the 31st March annually.

IV. With every license shall be granted free of charge a metal plate bearing the number of the license and the year of currency. The plate granted with a cart-license shall be affixed to the outside of the cart.

V. When the owner of the licensed bullock-cart disposes of it to any other person, the license shall cease to be in force until such person notifies the transfer to the Local Authority or the licensing officer, if any.

VI. Licensed bullock-carts and licenses shall be produced for inspection when required by the Local Authority or the Licensing Officer, if any, or by any Magistrate or Police Officer.

VII. The fares payable for the hire of bullock-carts shall be as follows:—

	Rs. a. p.
1. From Railway Station to any part within one mile per trip	0 8 0
2. From Railway Station to any part above one mile per trip	0 12 0
3. For half a day of 6 hours or less than five hours	1 0 0
4. For a day of 10 hours	2 0 0

Provided that, if a cart is detained for more than 15 minutes on departure or arrival, payment shall be made according to the fare for time.

Fares for distances beyond local limits except to the Railway station shall be settled by private agreement.

VIII. The load to be carried in a bullock-cart drawn by two bullocks shall not exceed 20 maunds.

IX. The Local Authority may determine the places where bullock-carts shall be allowed to wait for hire and may prohibit them from so waiting at any other place.

X. No owner or driver of a licensed bullock-cart shall refuse to ply it for hire except on reasonable and sufficient grounds, the burden of proving which shall lie on him.

XI. The Local Authority shall have power at their discretion to suspend or revoke any license granted under these rules.

[*Gazette of India*, 1924, Pt. II-A, p. 342.]

*Rules for bullock-carts in Nimach Cantonment and Indore Residency Bazars.*

No. 619-B., dated the 29th April, 1916.—In exercise of the powers conferred by section 4 of the Hackney-Carriage Act, 1879 (XIV of 1879), as applied to the Cantonments of Mhow, Nimach and Nowgong and the Indore Residency Bazars, the Agent to the Governor General in Central India is pleased to make the rules hereto appended for the regulation and control of bullock-carts for the conveyance of goods and materials within the Cantonment of Nimach and the Indore Residency Bazars.

*Rules.*

I. For the purposes of these rules—

(a) 'Local Authority' means the Cantonment Authority in the Cantonment of Nimach and the Bazar Authority in the Indore Residency Bazars.

(b) 'Local limits' means the limits of the Cantonment of Nimach and of the Indore Residency Bazars.

II. No bullock-cart shall be let to hire, or taken to ply, or offered for hire except under a cart-license. In the Indore Residency Bazars no person shall drive a licensed bullock-cart except under a driver's license.

III. Licenses shall be granted by the Local Authority, or by such Licensing Officer as the Local Authority may appoint, at their or his discretion, on payment of a fee of two rupees <sup>1</sup>[in the Cantonment of Nimach and of <sup>2</sup>[six] rupees in the Indore Residency Buzars] for a cart-license and of four annas for a driver's license, respectively, and shall expire on the 31st March annually.

IV. With every license shall be granted, free of charge, a metal plate bearing the number of the license and the year of currency. The plate granted with a cart-license shall be affixed to the outside of the cart.

V. When the owner of a licensed bullock-cart disposes of it to any other person, the license shall cease to be in force until such person notifies the transfer to the Local Authority or the Licensing Officer, if any.

VI. Licensed bullock-carts and licenses shall be produced for inspection when required by the Local Authority or the Licensing Officer, if any, or by any Magistrate or Police Officer.

<sup>2</sup>[VII. The fares payable for the hire of bullock carts shall be as follows:—

	As.
<i>(a) In the Cantonment of Nimach—</i>	
For a whole day of 9 hours . . . . .	12
For a half day of 4½ hours . . . . .	6
For a single journey from one place to another within local limits to or from the Railway Station . . . . .	4
<i>(b) In the Indore Residency Buzars—</i>	
For a whole day of 9 hours . . . . .	25
For a half day of 4½ hours . . . . .	12½
For a single journey—	
<i>(a) To or from the Railway Goods Station from or to the Malwa Bhil Corps lines . . . . .</i>	
The Daly College . . . . .	10
Any other place within local limits . . . . .	7½
<i>(b) To or from the Railway Passenger Station from or to the Malwa Bhil Corps lines . . . . .</i>	
The Daly College . . . . .	7½
Any other place in local limits . . . . .	5
<i>(c) Within local limits except as above . . . . .</i>	5]

<sup>1</sup> Inserted by Notification No. 217-B., dated the 20th January, 1917. *Gazette of India, 1917, Pt. II, p. 280.*

<sup>2</sup> Substituted by Notification No. 2002-B., dated the 30th September, 1924. *Gazette of India, 1924, Pt. II-A., p. 280.*



VIII. The load to be carried in a bullock-cart drawn by two bullocks shall not exceed 20 maunds.

IX. The Local Authority may determine the places where bullock-carts shall be allowed to wait for hire and may prohibit them from so waiting at any other place.

X. No owner or driver of a licensed bullock-cart shall refuse to ply it for hire, except on reasonable and sufficient grounds, the burden of proving which shall lie on him.

XI. The Local Authority shall have power at their discretion to suspend or revoke any license granted under these rules.

[*Gazette of India*, 1915, Pt. II, p. 959.]

#### VACCINATION ACT, 1880.

##### *Rules.*

No. 1016, dated the 6th February, 1904.—In exercise of the powers conferred by section 20 of the Vaccination Act, 1880 (XIII of 1880), as applied to the Cantonments of Mhow and Nimach and the Cantonment and Civil lines of Nowgong by the Notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2583-I. B., dated the 27th June 1902, the Agent to the Governor General in Central India, with the previous approval of the Governor General in Council, is pleased to make the following rules for the said Cantonments and Civil Lines:—

##### *Rules.*

Under section 20 of Act XIII of 1880 (the Vaccination Act).

I. The area of the Mhow Cantonment  
Nimach Cantonment shall form one  
Nowgong Cantonment and Civil Lines  
vaccination circle.

II. The premises of the [Cantonment Hospital Mhow]  
Nimach Cantonment General Hospital and such  
Nowgong Charitable Dispensary  
other place or places as may be determined on shall be deemed to be

<sup>1</sup> See now Notification No. 262-I., dated the 24th April, 1920, *supra*, p. 23.

<sup>2</sup> Substituted by Notification No. 2452-B., dated the 14th November, 1924. *Gazette of India*, 1924, Pt. II-A., p. 383.

vaccination stations. A board shall be set up and maintained on such premises bearing the words " Vaccination Station " and setting forth for public information the names of the " Public Vaccinators " and the hours of their daily attendance at the station on vaccination duty.

III. The Medical Officer in charge Cantonment Hospital, Mhow.  
Medical Officer, Cantonment General Hospital, Nimuch, shall *er-*  
Agency Surgeon at Nowgong,  
*officio* be Superintendent of Vaccination within the circle.

IV. Every public Vaccinator shall possess a certificate of qualification  
under the seal and signature of the Superintendent of  
Medical Officer, Cantonment General  
Agency Surgeon  
Vaccination, Mhow  
Hospital, Nimuch in the following form:—  
at Nowgong

" I hereby certify that I have examined \_\_\_\_\_ and find him  
qualified for the office of public Vaccinator."

Dated at

The \_\_\_\_\_ of 19 .

Superintendent of Vaccination, Mhow.  
Medical Officer, Cantonment General Hospital, Nimuch,  
Agency Surgeon at Nowgong.

Before granting such certificate the Superintendent of  
Medical Officer, Cantonment General  
Agency Surgeon  
Vaccination, Mhow,  
Hospital, Nimuch, shall be assured of the soundness of the candidate's  
at Nowgong,  
knowledge in regard to—

- (1) The vaccination operation.
- (2) The characteristics of a good vesicle and cicatrice.
- (3) The collection and preservation of lymph.
- (4) The chief symptoms of small-pox disease.
- (5) The Vaccination Act and Rules.
- (6) The forms and certificates required under the rules.

V. The public vaccinators shall be appointed by the <sup>1</sup>[Executive Officer] after consultation with the Superintendent of Vaccination, and <sup>or reference to</sup> may in case of misconduct, be suspended or dismissed from office by the <sup>1</sup>[Executive Officer] who shall record in writing the reasons for his action.

VI. The hours of daily attendance of all public Vaccinators at the vaccine station shall be 8 A.M. to 10 A.M. and 4 P.M. to 6 P.M.

VII. All public Vaccinators shall reside in the circle to which they are attached and shall be absent therefrom only for such periods of leave as may be granted by the <sup>1</sup>[Executive Officer].

<sup>2</sup>[VIII. The Vaccination season shall extend from the 25th October to the 25th March and in the Cantonment of Nimach shall further extend to the 30th April.]

IX. Public Vaccinators shall at all times when engaged in the duties of their office wear a badge in the form of a brass plate with the words "Public Vaccinator" engraved on it.

X. Public Vaccinators shall vaccinate children belonging to their circles at their homes at the request of a parent or guardian on payment of a fee of Re. 0-4-0 or at the vaccination stations free of charge. They may also with the approval of the Cantonment Authority visit and vaccinate children residing beyond the circle.

"XI. Certificates of vaccination shall be in the form specified in Appendix A.

XII. Certificates of unfitness for vaccination shall be in the form specified in Appendix B.

XIII. The public Vaccinator shall, on the day on which the vaccination is performed, issue to the parent or guardian of each child vaccinated by him a certificate of vaccination in Form A, and shall complete the certificate on the day of examination. He shall also issue to the parent or guardian a certificate in Form B of unfitness for vaccination on account of every child found unfit on the day of its examination. All cases of reported unfitness for vaccination shall be referred by the Vaccinator to the Superintendent, without whose countersignature no certificate issued in Form B shall be valid.

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<sup>1</sup> Substituted by Notification No. 2452-B., dated the 14th November, 1924. *Gazette of India*, 1924, Pt. II-A., p. 388.

<sup>2</sup> Substituted by Notification No. 2594, dated the 16th August, 1917. *Gazette of India*, 1917, Pt. II, p. 1535.

Before final delivery of any certificate to a parent or guardian the public Vaccinator shall complete and sign the entries of the fly-leaf of the certificate, which shall remain bound in the book of such certificates.

Every public Vaccinator shall be provided with books of the above Forms (A and B).

XIV. The lymph used shall ordinarily be buffalo calf lymph, of which a sufficient supply shall be prepared and maintained at the vaccination station throughout the season.

Arm-to-arm vaccination should not be employed.

The lymph should be inserted on the cleansed site selected in at least four places. If the arm is selected and four insertions are made, these should be arranged in the form of a square or a diamond, with the deltoid insertion in the centre, the side of the square being about 1 inch long.

Vaccination needles and ivory points will be supplied to the public vaccinator free of charge by the [Executive Officer.]<sup>1</sup>

XV. A record should be kept of the number of perfect vaccine vesicles which have resulted in each case vaccinated.

XVI. The [Cantonment Authority] shall take measure to prepare and keep the following registers in the forms appended to these rules:—

- (a) Register of infants born within the circle on or after the 1st November with record of vaccination or reason for non-vaccination. Each mohalla or quarter of Cantonments shall be entered in a separate register (Form I).
- (b) Register of the names of children now resident in or brought into cantonments after the 1st November who have not been vaccinated or who have not had small-pox, such children having resided in cantonments for a month and being, if boys, under the age of 14 years, if girls, under the age of 8 years (Form II).

XVII. The General Register of Vaccination performed in the circle and forms of monthly returns will be supplied by the [Cantonment Authority].

XVIII. At the commencement of every vaccination season the [Executive Officer] shall cause a notice to be affixed, for public information, in every important portion or quarter of the circle as

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<sup>1</sup> Substituted by Notification No. 2423-B., dated the 14th November, 1924, *Gazette of India*, 1924, Pt. II-A., p. 858.

follows, the notice being translated into and printed in the Hindi and Urdu languages.

Public Notice.

Dated

Hindi.

Urdu.

The public are hereby informed that the vaccination season of 19                      commenced on the

And this is to give notice that, in obedience to the law, every unvaccinated child of more than 6 months of age

resident within the Mhow Cantonment  
Nimach

Nowgong Cantonment  
and Civil Lines

boundaries should be presented by its parent or guardian to the Superintendent of Vaccination for inspection with a view to its vaccination if found in good health.

<sup>1</sup>[Executive Officer.]

The <sup>1</sup>[Executive Officer] may at any time during the vaccination\* direct the Public Officer to call attention to these notices.

XIX. A monthly statement of results of vaccination shall be submitted by the Superintendent to the Cantonment Authority during the five months of the vaccination season in prescribed departmental forms. The Superintendent shall submit to the Cantonment Authority a figured statement of results for the season after its termination together with a concise report upon the working of the Act during the season.

XX. Notices issued under section 17 of the Vaccination Act shall be in the following form:—

Notice issued under section 17 of the Vaccination Act on the of 190 .

To

(name)

of

(address)

The abovenamed (name) is required to present to the Public Vaccinator the undermentioned child (or children) on the                      of                      190 , for examination, with a view to the vaccination of such child (or children)                      (name or description of child or children).

Superintendent of Vaccination.

<sup>1</sup> Substituted by Notification No. 2452-B., dated the 14th November. 1924. *Gazette of India, 1924, Pt. II-A., p. 388.*

\* See. Read "vaccination season".

If such a notice has not been complied with the Superintendent shall report the matter to the [Executive Officer],<sup>1</sup> who shall proceed as directed in section 18 of the Act.

APPENDIX A.—CANTONMENT VACCINATION CIRCLE.

Fly leaf.	<p align="center"><b>Certificates of Vaccination.</b></p> <p align="center">Issued on the _____ of _____ 19__.</p>							
Register No.	Register No.	Vaccinated child.			Parent or Guardian.			Result of operation.
		Name.	Sex.	Age.	Name.	Caste.	Place of abode.	
Result (successful, unsuccessful, or unsuccessful for the third time). Record of instructions.	<p align="center"><b>NOTE.</b>—The child herein mentioned is to be presented with this certificate for examination on _____</p> <p align="right">Public Vaccinator.</p>							
Public Vaccinator.	<p align="center">Certified that the above is a true account of the vaccination it records.</p> <p align="center">This certificate was given to _____ with instructions to _____</p>							

Superintendent of Vaccination.

Public Vaccinator.

<sup>1</sup> Substituted by Notification No. 2452-B., dated the 14th November, 1932. Gazette of India, 1932, Pt. II-A, p. 223.

If such a notice has not been complied with the Superintendent shall report the matter to the [Executive Officer],<sup>1</sup> who shall proceed as directed in section 18 of the Act.

APPENDIX A.—CANTONMENT VACCINATION CIRCULAR.

Fly leaf.	Certificate of Vaccination. Issued on the _____ of _____ 19 ____							
Register No.	Register No.	Vaccinated child.			Parent or Guardian.			Result of operation.
		Name.	Sex.	Age.	Name.	Caste.	Place of abode.	
Result (successful, unsuccessful, or unsuccessful for the third time). Record of instructions.	NOTE.—The child herein mentioned is to be presented with this certificate for examination on _____  Public Vaccinator.							
Public Vaccinator.	Certified that the above is a true account of the vaccination it records.  This certificate was given to _____ with instructions to _____.							

Superintendent of Vaccination.

Public Vaccinator.

<sup>1</sup> Substituted by Notification No. 2492-B., dated the 14th November, 1924. Gazette of India, 1924, Pt. II-A, p. 295.

### APPENDIX B.—CANTONMENT VACCINATION CIRCLE.

No.		Date.						
Name of child.	No.	Child.			Parent or Guardian.			Instructions.
		Name.	Sex.	Age.	Name.	Caste.	Place of abode.	
Cause of unfitness.		<p>I hereby certify that the above-mentioned child was presented to me for vaccination this day and found unfit for vaccination_____for a period of_____by reason of_____</p>						
Instructions.		<p>Countersigned.</p> <p>Superintendent of Vaccination.</p> <p>Public Vaccinator.</p>						

**FORM I.**

***Vaccination register of infants born in the***

**Mohalla of**

### Vaccination Circle.

<i>Serial number.</i>	<i>Place of abode in Mohalla.</i>	<i>Name of parent or guardian.</i>	<i>Name, sex and caste of child.</i>	<i>Date of birth.</i>	<i>Number in General Vaccination Register.</i>	<i>Date of vaccination.</i>	<i>Age at time of vaccination.</i>	<i>Result of vaccination.</i>	<i>Re-vaccination.</i>	<i>Cause of non-vaccination.</i>	<i>Sickness.</i>	<i>Inoculation certificate number.</i>	<i>Death with date.</i>	<i>Initials of Vaccinator.</i>	<i>Signature of Inspecting Officer.</i>
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FORM II.

Register of the names of boys of less than 14 years of age and of girls of less than 8 years of age now resident in or hereafter brought into the Vaccination Circle who have not been vaccinated or have not had small-pox disease.

Serial number.	Place of abode and Mhaballa.	Name of parent or guardian.	Name, sex and caste of child.	Date of Registration.	Number in General Vaccination Register.	Date of vaccination.	Age at time of vaccination.		Result of vaccination.			Re-vaccination.			Cause of non-vaccination.			Death with date.	Initials of Vaccinator.	Initials of Inspecting Officer.
							Under one year.	Above one and under six years.	Successful.	Unsuccessful.	Unknown.	Date.	Successful.	Unsuccessful.	Leaving Cantonment with date.	Certificate number.	Sickness.	Insusceptibility.		

[Gazette of India, 1904, Pt. II, p. 639.]

NEGOTIABLE INSTRUMENTS ACT, 1881.

Appointment of Notaries Public.

No. 803-B., dated the 18th June, 1915.—In exercise of the powers conferred by section 138 of the Negotiable Instruments Act, 1881 (XXVI of 1881), as applied to Administered Areas in Central India, the Agent to the Governor General in Central India is pleased to appoint the officers named in the first column of the schedule hereto annexed to be Notaries Public under the Act as applied and to exercise their functions in the local areas respectively mentioned in the corresponding entries in the second column:—

Officers.

Local areas.

[Judicial Officer, Mhow]	The Cantonment of Mhow.
[Judicial Officer, Nimach]	The Cantonment of Nimach.
[Treasury and Judicial Officer, Nowgong].	The Cantonment and Civil Lines of Nowgong.
The Superintendent of Sehore	The Cantonment of Sehore.
[Treasury Officer, Indore]	The Indore Residency Barama.

[Gazette of India, 1915, Pt. II, p. 1265.]

Substituted by Notification No. 274-B., dated the 31st January, 1920. Gazette of India, 1920, Pt. II-A., p. 63.

PROVINCIAL SMALL CAUSE COURTS ACT, 1887.

*Appointment of Judges.*

See "Orders relating to Courts", *supra*, page 67.

POLICE ACT, 1888.

*Creation of general police district, enrolment of police, etc.*

No. 875-I. B., dated the 15th March, 1921.—In exercise of the powers conferred by section 2, sub-sections (1) and (2) of the Police Act, 1888 (III of 1888), as applied to the Administered Areas in Central India, <sup>1</sup>[and the Gwalior Residency Area], the Governor General in Council is pleased—

- (1) to create a general police district embracing the said Areas \* \* \*<sup>2</sup>,
- (2) to order the enrolment under the Police Act, 1861 (V of 1861), as applied to the said Areas \* \* \*<sup>3</sup> of a police force for service therein and to direct that the Central India Agency Police enrolled under the said Act as applied to the Administered Areas in Central India by the notification<sup>4</sup> of the Government of India in the Foreign Department, No. 2365-I. B., dated the 14th November, 1912, shall be deemed to have been enrolled under this notification, and
- (3) to appoint the Agent to the Governor General in Central India to discharge, with respect to the general police district and police aforesaid, the functions of the Local Government under the said Police Act, 1861 (V of 1861), the Code of Criminal Procedure, 1898 (V of 1898), and any other enactment relating to police for the time being in force in the said Areas \* \* \*<sup>5</sup>.

[*Gazette of India*, 1921, Pt. I, p. 437.]

PREVENTION OF CRUELTY TO ANIMALS ACT, 1890.

*Extension of the whole Act, and suspension of section 34, 2nd clause of Act V of 1861.*

No. 8512, dated the 7th August, 1900.—In exercise of the powers conferred by section 1 (2) of the Act for the Prevention of Cruelty to Animals (XI of 1890) as applied to the Cantonments of Mhow and

<sup>1</sup> Substituted by Notification No. 70-I., dated the 1st October, 1923. *Gazette of India*, 1923, Pt. I, p. 1283.

<sup>2</sup> Omitted by ditto.

<sup>3</sup> See now Notification No. 262-I., dated the 24th April, 1920, *supra*, p. 23.

Nimach and the Cantonment and Civil Lines of Nowgong by the 'notifications of the Government of India in the Foreign Department, No. 5022-I., dated the 24th December, 1891, as modified by the like notification, No. 4561-I. B., dated the 22nd December, 1897, and No. 2594-I. B., dated the 15th June, 1900, the Honourable the Agent to the Governor General in Central India is pleased to extend, on and from the 15th August, 1900, the whole of the rest of the said Act to the local areas comprised in the said Cantonments and Civil Lines of Nowgong, and, in exercise of the powers conferred by sub-section (8) of section 1 of the said Act, is further pleased to direct that the provisions of section 34 (2)<sup>a</sup> of the Police Act, V of 1861, as applied to the said Cantonments and Civil Lines of Nowgong by the 'Notification No. 841 (b)-I. B., dated the 1st April, 1899, of the Government of India in the Foreign Department shall, except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings commenced before the present notification comes into force, cease to have effect in the Cantonments and Civil Lines on and from 15th August, 1900.

[*Gazette of India*, 1900, Pt. II, p. 920.]

#### PRISONS ACT, 1894.

##### *Appointment of Inspector General of Prisons.*

No. 976-B., dated the 28th July, 1916.—In exercise of the powers conferred by section 5 of the Prisons Act, 1894 (IX of 1894), as applied to the Administered Areas and Railway lands in Central India, the Agent to the Governor General in Central India is pleased to appoint the Administrative Medical Officer in Central India for the time being to be Inspector General of Prisons for the said territories.

[*Gazette of India*, 1916, Pt. II, p. 1605.]

##### *Rule for the punishment of prison officials.*

No. 259-B., dated the 9th February, 1923.—In exercise of the powers conferred by clause (a) of section 60 of the Prisons Act, 1894 (IX of 1894), as applied to the Administered Areas and Railway lands in Central India (and subject to the control of the Governor General in Council) the Agent to the Governor General in Central India is pleased to make the following rule for the punishment of officers appointed under the said Act, namely:—

“ Any prison official, who shall be guilty of any of the following acts or omissions, shall be held to have violated or neglected his duties, and is liable to be prosecuted under section 54 of the Prisons Act, namely:—

(1) Sleeping while on duty by day or by night.

<sup>a</sup> See now Notification No. 262-I., dated the 24th April, 1929, *supra*, p. 23.

<sup>b</sup> *See* *ibid.* “Second”.

- (2) Permitting to lie about ladders, bamboos, or anything likely to facilitate the escape of a prisoner; allowing tools and implements to lie about out of their appointed places, or neglecting to lock them up.
- (3) Leaving prisoners within or without the jail unattended by an officer or other authorized person, or allowing prisoners to leave their work or their files unattended on any pretext whatever.
- (4) Leaving a cell or principal door unlocked, or leaving the keys in a door or lying about.
- (5) Entering an occupied cell at night otherwise than in the company of another official on the occasion of the prisoner's sickness or other emergency.
- (6) Wilfully neglecting to report the wish of a prisoner to see the Superintendent of the prison, the Medical Officer, or other official visitors.
- (7) Permitting persons unconnected with the prison to hold communication with a prisoner either within or without the prison walls, or allowing strangers to enter any buildings occupied by prisoners or to mingle with them while at work or on the march, unless under sanction of proper authority.
- (8) Neglecting to examine the fastenings of any buildings or of any prisoners, or any other fastenings committed to his charge, and to search wards, cells, and persons of prisoners committed to his care.
- (9) Omitting to count the prisoners under his care going to and returning from their work, and at such other intermediate times as the Superintendent of the prison may direct.
- (10) Wilful disobedience of, or neglect to carry out, any lawful order, given to him by competent authority.

[*Gazette of India*, 1928, Pt. II-A, p. 50.]

*Application of Act and Rules to subsidiary Jails at Nimach and Sehore.*

No. 899-B., dated the 18th July, 1916.—In exercise of the powers conferred by section 60 (s) of the Prisons Act, 1894 (IX of 1894), as applied to the Administered Areas and railway lands in Central India, the Agent to the Governor General in Central India is pleased to direct that the provisions of the Act and of the rules made or in force under it shall apply, so far as they may be suitable, to the subsidiary Jails at Nimach and Sehore.

[*Gazette of India*, 1916, Pt. II, p. 1528.]

EPIDEMIC DISEASES ACT, 1897.

*Rules.*

No. 1986-D., dated the 23rd August, 1909.—In exercise of the powers conferred by <sup>1</sup>[Notification No. 5041-I. C., dated the 20th December, 1906], of the Government of India in the Foreign Department, the Agent to the Governor General in Central India issues the following revised rules under section 2, sub-section (1), of the Epidemic Diseases Act, 1897:—

*Rules relating to the Cantonments of Mhow, Nimach and Nowgong.*

1. If in any house a person becomes ill or dies of a disease which is known or suspected to be plague, the owner of such house or, if the owner be non-resident, the occupier and every head of a family resident therein, shall forthwith report the occurrence of such illness or death at the nearest police station.

2. If there is, or has been, resident in any house a person who has come from any place in which plague is prevalent, the owner of such house or, if the owner be non-resident, the occupier and every head of a family resident therein, shall report at the nearest police station (1) the illness of any person in such house, or (2) the death of any person in such house, immediately such illness is apparent or death occurs.

3. Any medical practitioner who (1) attends a case of illness in a house in which there is present a person who has come from a place where plague is prevalent, or who (2) attends in any house a case in which he has reason to believe the sick person to be infected with plague, shall forthwith report such illness to the nearest police station.

4. On receiving a report under rules 1, 2, or 3 the officer in charge of the police station shall immediately report the matter to the Inspector of Police, <sup>2</sup>[the Cantonment Authority] and Health Officer of the Cantonment.

*Explanation.*—The Staff Surgeon shall be the Health Officer unless another Medical Officer is appointed by the Local Government to be Health Officer.

5. Compulsory corpse inspection by Medical Officers should not be resorted to, but during an outbreak of plague all deaths, the cause of which cannot be determined not to be plague, should be treated as death from plague. It will be open to any persons to voluntarily submit a dead body to the examination of a medical officer if they wish to avoid the death from being treated as due to plague.

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<sup>1</sup> Substituted by Notification No. 2278-D., dated the 7th October, 1909. *Gazette of India*, 1909, Pt. II, p. 1611.

<sup>2</sup> Substituted by Notification No. 220-B., dated the 31st January, 1920. *Gazette of India*, 1920, Pt. II-A, p. 68.

6. The owner and occupier of a house, and the head of any family resident therein, shall comply with any direction that may be issued by the Health Officer with regard to the disinfection and cleaning of a house, the disinfection or destruction of clothing and personal effects, the disposal of any corpse, the improvement of the sanitary condition of the premises and other similar matters.

7. The Health Officer shall, if he considers it necessary, himself take measures for the disinfection of a house and for the other matters referred to in the preceding rule. Should the Health Officer think it necessary and practicable to burn or otherwise destroy any non-masonry and inflammable structure, he will report the case to <sup>1</sup>[the Cantonment Authority] and act on his orders. <sup>1</sup>[The Cantonment Authority] may order the burning or destruction of any hut or other temporary structure, if disinfection cannot be satisfactorily effected.

8. The Health Officer may, with the previous sanction of the Local Government, require the owner or occupier of any house to permit him to enter his premises and examine any person whom such Health Officer has reason to believe to be infected with plague. If the person in question be a female the examination shall, if she or her relatives so desire, be made through a female doctor, female Hospital Assistant, or other female agency.

9. If on examination of a sick person in a house or other place within the limits of a Cantonment, the Health Officer suspects (1) that such person is infected with plague, or (2) considers that he is actually suffering from plague, the Health Officer may, if authorised on that behalf by the Local Government, arrange for the removal of such person (1) to an observation shed, or (2) to a temporary hospital established for the purpose, and for his detention, dieting, and medical treatment therein, or (3) may arrange for the treatment of the case in the infected premises by isolation from the remainder of the occupiers or by the removal of the healthy from the infected premises.

10. If in any case a person removed to a temporary hospital is accompanied by a companion or attendant, the Health Officer shall require the companion or attendant to live in the immediate neighbourhood of the temporary hospital in a segregation hut or tent provided for the purpose, and to remain in such place until he receives permission from the Health Officer to depart.

11. If a person is attacked with plague while so segregated, the Health Officer shall remove such person to the temporary hospital, and shall keep under observation in a segregation hut, tent, or suitable

<sup>1</sup> Substituted by Notification No. 280-B., dated the 31st January, 1920. *Gazette of India*, 1920, Pt. II-A, p. 68.

structure for a period of 10 days from the date of such removal, any companion or attendant who has been with the person attacked.

12. Upon the death of a sick person from plague the Health Officer, if authorized on that behalf by the Local Government, may for six days detain under observation all persons who have been in attendance in segregation huts, tents, or suitable structures established for the purpose in the neighbourhood.

13. If plague has become prevalent in a portion of a Cantonment, the Health Officer may, with the previous sanction of the Local Government, direct the inhabitants of any street, *moholla*, or other locality to evacuate their houses, to remove to a temporary settlement established, as a place of segregation, at a distance from the infected quarter, and to remain in such settlement for so long as he may consider necessary. After evacuation, the Health Officer shall arrange for the thorough disinfection and cleansing of the empty premises, and shall not permit the inhabitants to return until the premises are considered free from infection.

14. A person dealt with under the foregoing rules shall comply with any directions that may be given to him by the Health Officer with regard to his removal to, and his detention and treatment in, an observation shed, temporary hospital, or place of segregation, and with respect to the disinfecting or burning of the clothing and personal effects, the disposal of any corpse, or with respect to any other similar matter: he shall not depart from any such place of detention without the permission of the Health Officer.

15. All Police Officers shall give to the Health Officer such assistance as may be considered necessary in carrying out these rules.

16. Any conveyance, public or private, used for the carriage of a person infected with plague, or suspected of being infected; shall be thoroughly disinfected and exposed to air and sunlight for three days previous to being again used, articles of furniture belonging to it likely to retain infection being destroyed.

17. A *chhapar* hut, after occupation by a person suffering from plague should be burnt and this should also be done to the *charpai* upon which the person is carried to, or which he uses in, the hut.

18. The foregoing rules shall come into force at once, and shall remain in operation until such time as they shall be withdrawn by notification by the Agent to the Governor General.

19. Notifications No. 4342, dated the 4th May, 1897, No. 5455, dated the 9th June, 1897, No. 2088, dated the 9th March, 1901, and No. 4614, dated the 6th May, 1901, are hereby cancelled.

ANNEXURE.

*Memorandum of instructions for the guidance of officials.*

1. *Surveillance.*—The actual work of surveillance can best be performed by the people themselves, and the inhabitants of towns should be encouraged and assisted to keep an organized surveillance over persons arriving from infected areas.

2. *House visitation, etc.*—The measure prescribed by rule 8 attacks the domestic privacy of the people, and should be employed only when it is clear that it will be effectual in saving them from disaster. It will be justifiable only when plague exists in small and well defined areas.

3. *Removal of patients.*—This should be compulsory only in places and under circumstances where it can be carried out so completely as to render it an effectual precaution and in the case of persons who are left without any one to look after them or who have no home. But every effort should be made to induce patients to go to hospitals and to lessen the aversion to hospitals by encouraging the establishment of private and caste hospitals, by locating hospitals near infected quarters, by limiting the size of hospitals, so that patients may receive more individual attention, and accommodation may be more readily made available for their immediate families and friends, by arranging for the provision of an adequate number of medical attendants and nurses, and of ample and comfortable accommodation for patients, and by permitting at least two friends to be in attendance on each patient, so that the patient may never be left alone. In the case of moribund cases, it would not be humane to forcibly remove from his house a person who has not a fair chance of recovery, and this should never be done except at the express wish of the friends of the patient.

4. *Evacuation of infected areas.*—Climatic conditions are a most important factor in determining whether evacuation can be carried out or not and before the people are subjected to the discomforts of evacuation during the rainy season, there should be no doubt that the hardship inflicted on them will in all probability yield a balance of advantage.

5. *Disinfection of houses, etc.*—Disinfection of houses after evacuation shall at first be limited to removing tiles in order to admit sun and air. No disinfecting or sanitary employes are to enter the houses until 3 or 4 weeks have elapsed. After this they can be prepared for occupation by scattering kerosine oil emulsion in the rooms in order to destroy fleas. This emulsion is prepared as follows:—Three parts of sunlight soap are dissolved in 15 parts of water, kerosine oil is added



to the soap solution gradually up to 100 parts. The oil and soap water should be mixed together shaking or stirring all the while.

- (a) Clothing, rags, and straw found in the houses should be removed into the open air by means of sticks to avoid handling and sanitary coolies must be protected from fleas by boots and putties. Useless rags, etc., must be burnt.
- (b) If the regular destruction of rats is not being carried out before the advent of plague, this shall be done immediately plague threatens a Cantonment. A gang of men will be engaged to bait and place rat traps every evening collecting them next morning. Similarly others will place baits and collect those not removed next morning. Poison can be obtained from the Deputy Disinfecting Officer, Jullunder, Punjab. The rate campaign should be assiduously carried out in infected quarters, and if possible in or alongside evacuated houses.

[*Gazette of India*, 1909, Pt. II, p. 1454.]

#### CODE OF CRIMINAL PROCEDURE, 1898.

See "Orders relating to Courts", pages 67 to 80, *supra*, and the following notification—

##### *Rules regarding notification of residence by released convicts.*

No. 3174-B., dated the 16th October, 1928.—In exercise of the powers conferred by sub-section (3) of section 565 of the Code of Criminal Procedure, 1898 (V of 1898), as applied to the Administered Areas in Central India, the Agent to the Governor General in Central India is pleased to make the following rules to carry out the provisions of the said section relating to the notification of residence by released convicts, namely:—

1. In these rules, the words "local area" mean a village or Muhalla of a town.

2. When an order under section 565 of the Criminal Procedure Code has been passed with reference to any person, a copy of the order in the annexed form shall be sent to the Superintendent of the Jail with the warrant of commitment.

3. Three months previous to the release of a convict with reference to whom an order under section 565 of the Criminal Procedure Code

1898, has been passed, the Superintendent of the Jail shall inquire from the convict within what district he intends to reside on release, and shall transfer the prisoner to the headquarters of the district he names, for release on due date. A copy of the order passed under section 565, Criminal Procedure Code, shall be sent with the prisoner.

4. At the time of release, the prisoner, together with a copy of the order passed under section 565, Criminal Procedure Code, shall be produced before the Magistrate of the district, or such officer as the Magistrate may appoint in that behalf and he shall notify to the officer before whom he is produced, the local area within which he will permanently reside after release. The Magistrate of the district, or the officer appointed by him in this behalf, shall enter the local area notified by the prisoner on the copy of the order passed under section 565, and shall give to the prisoner a copy in vernacular of rules 5 and 6, explaining at the same time their purport to him.

5. If at any time subsequently during the period fixed by the order under section 565 of the Criminal Procedure Code, 1898, the released convict proposes permanently to change his residence he shall, at least ten days previously to the change, notify to the Magistrate of the district, or such officer as the said Magistrate may appoint in this behalf and also to the police authorities of the place which the convict is leaving, as well as to the police authorities of the place to which he is proceeding, the name of the local area to which he intends removing and the date on which he will change his residence.

6. The officer recording a notification either under rule 4 or rule 5 shall appoint such period as may be reasonably necessary to enable the convict to take up his residence in the place notified. If the convict does not take up his residence in such place within the period so appointed, he shall, not later than the day following the expiry of such period, notify in person his actual place of residence to the officer in charge of the police station within the limits of which he is residing.

7. The notifications required by rule 5 shall be made personally, except in the case of illness or for other adequate reason or on exemption granted by the District Magistrate, to the officers authorised to receive such notifications.

8. In applying the foregoing rules to the case of a wandering man having no "residence" in the sense of a fixed place of abode, the place of residence shall be deemed to be the place where he sleeps, even if he remains there only one night. On his release he shall be asked under rule 4 where he intends to stay, and be told that, if he moves about the country, he must always notify the place of his temporary abode to the police.



to the Railway lands referred to in the Foreign Department Notifications<sup>1</sup> Nos. 261-I. B., and 262-I. B., dated the 10th February, 1913.

The Agent to the Governor General in Central India is pleased to order that the powers and duties conferred and imposed by the Act upon the Collector shall be exercised and performed within the Cantonments of Mhow, Nimach and Nowgong by the Executive Officer and within the rest of the said areas by the officer exercising for the time being the powers of the District Judge.

2. The Central India Agency Notification No. 442-B., dated the 10th March, 1913, is hereby cancelled.

[*Gazette of India*, 1924, Pt. II-A, p. 174.]

*Reduction and remission of duties.*

No. 2567-I. B., dated the 30th December, 1910.—In exercise of the powers conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899), as applied—

(1) to the Cantonments of Mhow, Nimach, Nowgong (including the Civil Lines), <sup>2</sup>[and Sehore] in the Central India Agency, and to the Indore Residency Bazars; and

(2) to the Railway lands within the limits of the Central India Agency over which the Governor General in Council exercises jurisdiction,

(hereinafter referred to as the said areas), and in supersession of all previous notifications issued from time to time under the said clause of the said section, the Governor General in Council is pleased to reduce, to the extent set forth in each case, the duties chargeable under the said Act as so applied in respect of the instruments hereinafter described under Nos. 20 and 28, and to remit the duties so chargeable in respect of instruments of the other classes hereinafter described:—

A.—FOREST DEPARTMENT.

1. Agreement and security bond required to be executed, under the rules to regulate the training and appointments in the Subordinate Forest Service by a student and his surety previous to his entry into the Imperial Forest School, Dehra Dun, or the Burma Forest School, Tharrawaddy.

<sup>1</sup> No. 261-I. B., dated the 10th February, 1913, is printed in Vol. VIII, under North Central Division, "Orders relating to Courts", No. 262-I. B., of the same date has been superseded by Notification No. 268-I., dated the 24th April, 1920, printed in Vol. VIII, under North Central Division, "Acts locally applied".

<sup>2</sup> Substituted by Notification No. 2600-I. B., dated the 19th December, 1913. *Gazette of India*, 1913, Pt. I, p. 1685.

**B.—MEDICAL DEPARTMENT.**

2. Security bond taken under the authority of the Government from a medical student of the Apothecary, Assistant Surgeon or Sub-Assistant Surgeon class and his surety, or from the surety of such a student.

**C.—POST OFFICE AND TELEGRAPH DEPARTMENT.**

3. Letter which a person depositing money in a Post Office Savings Bank, as security to the Government or a local authority for the due execution of an office or for the fulfilment of a contract or for any other purpose, is required to address to the Postmaster in charge of the Post Office Savings Bank agreeing to special conditions with respect to the application and withdrawal of the money deposited and the payment of interest accruing due thereon.

4. Receipt given by, or on behalf of, a depositor in a Post Office Savings Bank for a sum of money withdrawn from any such Bank.

5. Receipt endorsed by the payee on a Postal Money Order.

6. Receipt given by the addressee for a deposit exceeding twenty rupees made for the payment of a reply to a telegraphic message.

**D.—RAILWAYS.**

7. Agreement made with a Railway Company or Administration for the conveyance of goods.

8. Agreement or indemnity bond given to a Railway authority by a passenger permitted to travel without payment of fare, indemnifying such authority from any claim for damages in case of accident or injury.

9. Agreement or indemnity bond given to a Railway authority by a consignee (when the Railway receipt is not produced) in respect of the delivery of articles carried at half parcels rates or at goods rates, namely, fresh fish, fruits, vegetables, bazar baskets, bread, meat, ice, and other perishable articles.

10. Agreement made with a Railway Company or Administration which purports to limit the responsibility of the Company or Administration as declared by the Indian Railways Act, 1890 (IX of 1890), section 72, sub-section (1), and is in a form approved by the Governor General in Council under sub-section (2) of that section.

11. Receipt issued by a Railway Company or Administration for the fare for the conveyance of passengers or goods, or both, or animals, or given to such Company or Administration for the refund of an overcharge made in respect of such fare.

12. Receipt given by, or on behalf of, a depositor in State Railway Provident Institution for a sum of money withdrawn from any such Institution.

13. Debenture bond of the loan of Rs20,00,000 raised by the Government of His Highness the Maharaja of Mysore for the construction of a line of railway from Bangalore to Tiptoor, where the said bond is negotiated in the said areas.

**E.—GOVERNMENT OFFICERS AND CONTRACTORS.**

14. Agreement paper passed by a contractor of the Supply and Transport Corps where his security deposit is transferred to a Post Office Savings Bank.

15. Instrument in the nature of a memorandum or agreement furnished to, or made or entered into with, a Supply and Transport Officer by a contractor.

16. Agreement or declaration by which a tender made to a Supply and Transport Officer is accepted as a contract, where the deposit of the contractor as security for his contract is made in Government of India Promissory Notes or in cash.

17. Instrument in the nature of a memorandum <sup>1</sup>[agreement or security bond] furnished to, or made or entered into with, the Public Works or State Railway Department by a contractor for the due performance of his contracts.

18. Mortgage deed executed by an officer of Government in Civil or Military employ for securing the repayment of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling house for his own use.

19. Instrument of reconveyance of mortgaged property executed by Government in favour of an officer in Civil or Military employ on the repayment of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling-house for his own use.

20. Agreement which has been or may be entered into in compliance with the rules prescribed by the Resolution of the Government of India in the Finance Department (Military Finance), No. 2195 (Accounts), dated the 25th October 1907, regulating the deposits of regimental funds with private banks or firms or such other rules for that purpose as may hereafter be in force. Duty reduced to the amount payable in respect of a bond for like amount or value or to Rs5, whichever shall be less.

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<sup>1</sup> Substituted by Notification No. 2600-I. B., dated the 19th December, 1912, *Gazette of India*, 1912, Pt. I, p. 1685.

F.—OTHER DOCUMENTS.

21. Bill of exchange drawn in Mysore, on which the full rate of stamp duty has been paid there, where the same is negotiated in the said areas.

22. Cheque drawn in Mysore on which the full rate of stamp duty has been paid there, where the same is negotiated in the said areas.

23. Receipt given for payment of interest on Government of India Promissory Notes.

24. Letter of authority or power of attorney executed for the sole purpose of authorising one or more of the joint-holders of a Government security to give on behalf of the other or others of them, or any one or more of them a discharge for interest payable on such security or on any renewed security issued in lieu thereof.

25. Arrangement entered into under the Indian Income-tax Act, 1886 (II of 1886), section 9, sub-section (2).

26. *Sanad* of jagir or other instrument conveying land granted to an individual by the Government otherwise than for a pecuniary consideration.

27. Instrument of exchange executed by a private person where land is given by him for public purposes in exchange for other land granted to him by the Government.

28. Instrument evidencing an agreement relating to the hypothecation of moveable property where such hypothecation has been made by way of security for the repayment of money advanced or to be advanced by way of loan, or of an existing or future debt.—Duty reduced to the amount chargeable on a bill of exchange under Article No. 13 (b) of Schedule I of the Stamp Act, 1899, for the amount secured, if such loan or debt is repayable on demand or more than three months from the date of the instrument and to half that amount, if such loan or debt is repayable not more than three months from the date of the instrument.

29. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under the Stamp Law for the time being in force in the said areas has been paid in accordance with the said law.

SCHEDULE.

*Areas.*

1. British India.

2. Agency territories in Baluchistan.

3. Abu and Anadra, including the road leading from the Abu Sanitarium to Abu Road Railway Station and to the Bazaar at Khafark.

4. The Cantonments of Baroda <sup>1</sup>[and Deesa].

5. The areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad.

6. Berar.

7. The Civil and Military Station of Bangalore.

8. Railway lands within the limits of the Rajputana Agency over which the Governor General in Council exercises jurisdiction.

<sup>2</sup>9. Railway lands in the Mysore State over which the Governor General in Council exercises jurisdiction.

<sup>3</sup>10. Railway lands in the Baroda State and in States in the political control of the Government of Bombay over which jurisdiction has been ceded to the British Government and to which the provisions of the Indian Stamp Act, 1899, have been applied.

<sup>4</sup>11. Railway lands in Jammu and Kashmir and in States in the Punjab over which the Governor General in Council exercises jurisdiction.

[*Gazette of India*, 1910, Pt. I, p. 1328.]

*Application of the Indian Stamp Rules, 1925.*

No. 42-I., dated the 13th January, 1926.—In exercise of the powers conferred by the Indian Stamp Act, 1899 (II of 1899), as applied:—

(a) to the Cantonments of Mhow, Nimach, Nowgong and Sahore, the Indore Residency Bazars and the Civil Lines of Nowgong; and

(b) to the Railway lands in Central India over which the Governor General in Council exercises jurisdiction.

and in supersession of the Notification of the Government of India in the Foreign and Political Department, No. 707-I. B., dated the 2nd May, 1916, the Governor General in Council is pleased to apply to the places and lands specified above the rules under the Indian Stamp Act, 1899, published with the Notification<sup>5</sup> of the Government of India in the Finance Department, No. C-63-Stamps/25, dated the 5th May, 1925, subject to any amendments to which the said rules may be subject in British India and subject also to the modifications specified thereunder and to such further modifications, not affecting the substance, as may

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<sup>1</sup> Deesa Cantonment has been retroceded.

<sup>2</sup> Added by Notification No. 2600-I. B., dated the 19th December, 1912. *Gazette of India*, 1912, Pt. I, p. 1685.

<sup>3</sup> Printed in General Statutory Rules and Orders, 1926, Vol. III, p. 333.



be necessary or proper to adapt the said rules to the said places and lands:—

(1) For rule 2, clause (d), the following shall be substituted, namely:—

“ (d) ‘ Superintendent of Stamps ’ means ‘ the Superintendent of Stamps, Nagpur ’.”

(2) In clause (b) of sub-rule (1) of rule 4, for the words “ a Superintendent ” the words “ the Superintendent ” shall be substituted.

(3) In rule 8 for the words and figures “ articles 5, 19, 36, 37, 43, 49 and 52 ” the words and figures “ articles 19, 36, 37, 49 and 52 ” shall be substituted.

(4) For rule 9, the following shall be substituted, namely:—

“ 9. The Superintendent of Stamps, Nagpur, is empowered to  
 “ The Proper Officer.” affix and impress labels and shall  
 be the ‘ Proper Officer ’ for the  
 purposes of the Act and of these rules.”

(5) The following shall be omitted, namely:—

(a) Sub-rule (3) of rule 11.

(b) In sub-rule (2) of rule 12, the words “ unless he is himself the proper officer ”,

(c) Rule 15,

(d) Clause (c) of rule 17, and

(e) Appendix I.

[*Gazette of India*, 1926, Pt. I, p. 130.]

#### PRISONERS ACT, 1900.

*Appointment of Central India Agency Jail for reception of persons sentenced to transportation.*

No. 1056-I. B., dated the 8th June, 1915.—In exercise of the powers conferred by section 32 of the Prisoners Act, 1900 (III of 1900), as applied to certain Administered Areas and railway lands in Central India, the Governor General in Council is pleased to appoint the Central India Agency Jail at Indore to be a place to which persons sentenced to transportation may be sent.

[*Gazette of India*, 1915, Pt. I, p. 770.]

INDIAN WORKS OF DEFENCE ACT, 1903.

*Appointment of Collector.*

No. 859-B., dated the 12th May, 1924.—In exercise of the power conferred by section 2 of the Indian Works of Defence Act, 1903 (VII of 1903), as applied to the Cantonments of Mhow and Nimach, the Agent to the Governor General in Central India is pleased to appoint the Executive Officer to perform the functions of a Collector.

II. The Central India Agency Notification No. 1375-B., dated the 9th November, 1916, is hereby cancelled.

[*Gazette of India*, 1924, Pt. II-A, p. 174.]

*Restrictions on the use of land in the vicinity of Mhow Fort.*

No. 527-B., dated the 14th April, 1915.—In exercise of the powers conferred by section 3, sub-section (1) of the Indian Works of Defence Act, 1903 (VII of 1903), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to impose the restrictions hereinafter specified upon the use and enjoyment of the lands in the vicinity of Mhow Fort in the Cantonment of Mhow, of which a sketch plan has been deposited, and can be inspected in the office of the <sup>1</sup>[Executive Officer, Mhow Cantonment]: Provided that nothing in this notification shall apply to existing buildings, variations of ground level, banks, hedges, trees, etc., entered in the schedule attached to the said plan so long as they remain unaltered as they exist on the date of this notification.

1. From and after the publication of the public notice mentioned in section 3, sub-section (2) of the said Act the restrictions mentioned in sections 7 (a) and 7 (b) of the said Act shall attach to such of the said lands as lie within a distance of about 300 yards from the crest of the glacis of Mhow Fort and are demarcated in the said plan by a green line marked with boundary pillars Nos. 1 to 25, *vis.* :—

- (i) No variation shall be made in the ground level and no building, wall, bank or other construction of permanent materials above the ground shall be maintained or erected, added to or altered:

Provided that with the written approval of the General Officer Commanding the Division and on such conditions as he may prescribe, variations in ground level, huts, fences,

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<sup>1</sup> Substituted by Notification No. 889-B., dated the 12th May, 1924. *Gazette of India*, 1924, Pt. II-A, p. 175.

and other constructions of wood or other materials easily destroyed or removed may be maintained, erected, added to or altered:

Provided also, that any person having control of lands as owner, lessee or occupier shall be bound forthwith to destroy or remove such huts, fences or other constructions without compensation upon the order in writing signed by the General Officer Commanding the Division.

- (ii) No wood, earth, stone, brick, gravel, sand or other material shall be stacked, stored or otherwise accumulated:

Provided that with the written approval of the General Officer Commanding the Division and on such conditions as he may prescribe, road ballast, manure and agricultural produce may be exempted from the prohibition:

Provided also that any person having control of the land as owner, lessee or occupier shall be bound forthwith to remove such road ballast, manure and agricultural produce without compensation at the requisition of the Commanding Officer.

- (iii) Live hedges, rows of clumps of trees or orchards shall not be maintained, planted, added to, or altered, otherwise than with the written approval of the General Officer Commanding the Division and on such conditions as he may prescribe.

- (iv) No surveying operations shall be conducted otherwise than by or under the personal supervision of a public servant duly authorized in this behalf by the Commanding Officer, and

- (v) Where any building, wall, bank, or other construction above the ground has been permitted under this notification to be maintained, erected, added to, or altered, repairs shall not, without the written approval of the General Officer Commanding the Division, be made with materials different in kind from those employed in the original building, wall, bank or other construction.

2. From and after the publication of the public notice mentioned in section 3, sub-section (2) of the said Act, the restrictions mentioned in section 7 (a) shall attach to such of the said lands as lie within a distance of about 1,000 yards from the crest of the glacis of Mhow Fort and are demarcated in the said plan by a red line marked with boundary pillars

Nos. 1 to 26 and are bounded between pillars Nos. 23 and 24 by the Gambhir river, *viz.* :—

(i) No variation shall be made in the ground level, and no building wall, bank or other construction above the ground shall be maintained, erected, added to or altered otherwise than with the written approval of the General Officer Commanding the Division and on such conditions as he may prescribe.

(ii) No wood, earth, stone, brick, gravel, sand, or other material shall be stacked, stored or otherwise accumulated :

Provided that with the written approval of the General Officer Commanding the Division and on such conditions as he may prescribe, road ballast, manure and agricultural produce may be exempted from this prohibition :

Provided also that any person having control of the land as owner, lessee or occupier shall be bound forthwith to remove such road ballast, manure or agricultural produce on the requisition of the Commanding Officer.

(iii) No surveying operations shall be conducted otherwise than by or under the personal supervision of a public servant duly authorized in this behalf, in the case of land under the control of the military authority by the Commanding Officer, and in other cases by the <sup>1</sup>[Executive Officer], with the concurrence of the Commanding Officer.

(iv) Where any building, wall, bank, or other construction above the ground has been permitted under clause (i) of this paragraph to be maintained, erected, added to or altered, repairs shall not, without the written approval of the General Officer Commanding the Division, be made with materials different in kind from those employed in the original building, wall, bank or other construction.

[*Gazette of India*, 1915, Part II, p. 868.]

*Restrictions on the use of land in the vicinity of Nimach Fort.*

No. 915-B., dated the 21st July, 1916.—In exercise of the powers conveyed by section 3, sub-section (1) of the Indian Works of Defence Act, 1903 (VII of 1903), as applied to the Cantonment of Nimach, the Agent to the Governor General in Central India is pleased to impose the restrictions hereinafter specified upon the use and enjoyment of the lands in the vicinity of Nimach Fort in the Cantonment of Nimach, of which a sketch plan has been deposited and can be inspected, in the

<sup>1</sup> Substituted by Notification No. 889-B., dated the 12th May, 1924. *Gazette of India*, 1924, Pt. II-A, p. 176.

office of the <sup>1</sup>[Executive Officer, Nimach Cantonment]. Provided that nothing in this notification shall apply to existing variations of ground level, or to buildings, walls, banks or other constructions above the ground, entered in the schedule attached to the said plan, so long as they remain unaltered as they exist on the date of this notification.

From and after the publication of the public notice mentioned in section 3, sub-section (2) of the said Act, the restrictions mentioned in section 7 (a) of the said Act shall attach to such of the said lands as lie within a distance of about 600 yards from the crest of the glacis of Nimach Fort and are demarcated in the said plan by a red line marked with boundary pillars Nos. 1 to 21, *viz.* :—

- (i) No variation shall be made in the ground level and no building, wall, bank or other construction above the ground shall be maintained, erected, added to or altered otherwise than with the written approval of the General Officer Commanding the Division and on such conditions as he may prescribe.
- (ii) No wood, earth, stone, brick, gravel, sand or other material shall be stacked, stored or otherwise accumulated: Provided that, with the written approval of the General Officer Commanding the Division and on such conditions as he may prescribe, road ballast, manure and agricultural produce may be exempted from the prohibition.

Provided also that any person having control of the land as owner, lessee or occupier shall be bound forthwith to remove such road ballast, manure and agricultural produce without compensation at the requisition of the Commanding Officer.

- (iii) No survey operations shall be conducted otherwise than by or under the personal supervision of a public servant duly authorised in this behalf by the Commanding Officer, and
- (iv) Where any building, wall, bank, or other construction above the ground has been permitted under this notification to be maintained, erected, added to, or altered, repairs shall not, without the written approval of the General Officer Commanding the Division, be made with materials different in kind from those employed in the original building, wall, bank, or other construction.

[*Gazette of India*, 1916, Pt. II, p. 1567.]

<sup>1</sup> Substituted by Notification No. 836-B., dated the 12th May, 1924. *Gazette of India*, 1924, Pt. II-A, p. 174.

INDIAN COINAGE ACT, 1906.

*Firms and persons empowered to cut or break counterfeit silver coin.*

*No. 1010-C.—91-11, dated the 30th June, 1913.*—In exercise of the power conferred by section 20 of the Indian Coinage Act, 1906 (III of 1906), as applied to the Cantonments of Mhow, Neemuch [Nowgong and Sehore]<sup>1</sup> and the Indore Residency Bazars by the Notification of the Government of India in the Foreign Department,<sup>2</sup> No. 1421-I. B., dated the 12th June, 1913, the Agent to the Governor General in Central India is pleased to invest the following firms and persons with power to cut or break counterfeit silver coins:—

1. Firm of Gangaram Chunnilal, of Mhow.
2. Seth Ramohandra Ganga Sahai, Residency, Indore.
3. Seth Jassimal Hiralal, of Sehore.
4. Seth Ramkishan Akheraj, of Sehore.
5. Seth Ramkishan Jaskaran, of Sehore.
6. Seth Daulatram Sohanlal, of Sehore.
7. Seth Sheojiram Saligram, of Sehore.
8. \* \* \* \* \*
9. Firm of Seth Poonamchand Dipchand, Treasurer, Malwa Agency, Neemuch.

[*Gazette of India*, 1913, Pt. II, p. 1345.]

CODE OF CIVIL PROCEDURE, 1908.

*Rules regarding the custody of moveable property attached in execution of decrees.*

*No. 1201-B., dated the 15th May, 1929.*—In exercise of the powers conferred by section 125 of the Code of Civil Procedure as applied to the Administered Areas in Central India the Agent to the Governor General in Central India is pleased to make the following rules regarding the custody of moveable property attached in execution of decrees.

*Rules.*

1. When an application is made for the attachment of live stock or other moveable property, the decree holder shall pay into Court or to the attaching officer in cash two rupees as a deposit. He shall

<sup>1</sup> Substituted by Notification No. 2871-B., dated the 7th November, 1928. *Gazette of India*, 1928, Pt. II-A., p. 98.

<sup>2</sup> See now Notification No. 2821-I., dated the 24th April, 1929, *supra*, p. 28.

<sup>3</sup> Omitted by Notification No. 2871-I. B., dated the 7th November, 1928. *Gazette of India*, 1928, Pt. II-A., p. 98.

pay from time to time such further sums as the Court may direct for the charges of maintenance and custody.

2. Notwithstanding anything to the contrary contained in O. XXI, Rule 43, Civil Procedure Code, live stock which has been attached in execution of a decree shall ordinarily be left at the place where the attachment is made either in custody of the judgment debtor on his furnishing security, or in that of some land holder or other respectable person willing to undertake the responsibility of its custody and to produce it when required by the Court.

3. If the custody of live stock cannot be provided for in the manner described in the last preceding rule the animals attached shall be removed to the nearest pound established under the Cattle Trespass Act, 1871, and committed to the custody of the pound-keeper, who shall enter in a register—

- (a) the number and description of the animals;
- (b) the day and hour on and at which they were committed to his custody;
- (c) the name of the attaching officer or his subordinate by whom they were committed to his custody; and shall give such attaching officer or subordinate a copy of the entry.

4. For every animal committed to the custody of the pound-keeper as aforesaid a charge shall be levied as rent for the use of the pound for each fifteen or part of fifteen days during which such custody continues, according to the scale prescribed under section 12 of Act I of 1871. All charges received under this rule shall be applied in the same manner as fines levied under section 12 of the Cattle Trespass Act, 1871.

5. The pound-keeper shall take charge of, feed and water, animals attached and committed as aforesaid until they are withdrawn from his custody as hereinafter provided, and he shall be entitled to be paid for their maintenance at such rates as may be, from time to time, prescribed under proper authority. Such rates shall, for animals specified in the section mentioned in the last preceding rule, not exceed the rates for the time being fixed under section 5 of the same Act. In any case, for special reasons, to be recorded in writing, the Court may require payment to be made for maintenance at higher rates than those prescribed.

6. The charges herein authorised for the maintenance of live stock shall be paid to the pound-keeper by the attaching officer for the first fifteen days at the time the animals are committed to his custody.

and thereafter for such further period as the Court may direct, at the commencement of such period. Payments for such maintenance, so made in excess of the sum due for the number of days during which the animals may be in the custody of the pound-keeper shall be refunded by him to the attaching officer.

7. Animals attached and committed as aforesaid shall not be released from custody by the pound-keeper except on the written order of the Court, or of the attaching officer, or of the officer appointed to conduct the sale; the person receiving the animals, on their being so released, shall sign a receipt for them in the register mentioned in rule (3) above.

8. For the safe custody of moveable property other than live stock while under attachment, the attaching officer shall, subject to approval by the Court, make such arrangements as may be most convenient and economical. For form of *Suppurdnama* (either in the case of live stock or of moveable property other than live stock) see form attached.

9. With the permission of the Court the attaching officer may place one or more persons in special charge of such property.

10. The fee for the services of each such person shall be payable in the manner prescribed in rule (1).

11. When in consequence of an order of attachment being withdrawn or for some other reasons the person has not been employed or has remained in charge of the property for a shorter time than that for which payment has been made in respect of his services, the fee paid shall be refunded in whole or in part, as the case may be.

12. The cost of preparing attached property for sale, or of conveying it to the place where it is to be kept or sold, shall be payable by the decree-holder to the attaching officer. In the event of the decree-holder failing to provide the necessary funds, the attaching officer shall report his default to the Court, and the Court may thereupon issue an order for the withdrawal of the attachment, and direct by whom the costs of the attachment are to be paid.

13. Whenever guns or other arms in respect of which licenses have to be taken by purchasers under the Indian Arms Act, are sold by public auction in execution of decrees by the order of a Civil Court, the Court directing the sale shall give due notice to the Magistrate of the district of the names and addresses of the purchasers, and of the time and place of the intended delivery to the purchasers of such arms, so that proper steps may be taken by the Police to enforce the requirements of the Indian Arms Act.



FORM OF *Suppurnama*.

*Rule (8).*

In the Court of

Plaintiff/Decree-Holder

*versus*

Defendant/Judgment-Debtor.

Suit No.                      of 19 .

Execution Application No.                      of 19 .

Demand

Date of hearing.

I am                      , son of                      , caste                      , resident  
of                      , perguna                      , district                      .

Whereas the moveable properties (detailed in the annexed list) pointed out by the Plaintiff/Decree-Holder as belonging to the Defendant/Judgment-Debtor have been attached to-day under the Court's order by the process servers                      and have been placed in my possession with my consent, I hereby engage and covenant in writing that I shall produce the properties whenever and wherever the Court orders me to produce them. If I fail to produce the properties for any reasons whatever when ordered to do so, I shall deposit the price of the properties in Court. In default the price may be realized from me and my properties, moveable and immoveable, and I, my heirs and successors shall have no objection. I further promise that I shall derive no personal advantage whatever beyond the allowance, if any, granted to me under the orders of the Court.

Wherefore I have executed this *suppurnama* after taking possession of the properties.

Witness.

Witness.

*Suppurdar.*

[*Gazette of India*, 1929, Pt. II-A, p. 217.]

INDIAN REGISTRATION ACT, 1908.

*Formation of districts, etc.*

No. 487-B., dated the 17th March, 1913.—With reference to sections 3, 5, 6, 7 and 8 of the Indian Registration Act, 1908 (XVI of 1908), as applied to the Cantonments of Mhow, Nimach, Nowgong and Selote

and to the Indore Residency Bazaars and the Civil Lines of Nowgong and to the Railway lands in Central India referred to in the Notifications<sup>1</sup> of the Government of India in the Foreign Department, Nos. 261-I. B. and 262-I. B., dated the 10th February, 1913, the Agent to the Governor General in Central India is pleased to make the following orders:—

- (1) All powers and duties conferred and imposed by the Act upon the Inspector General of Registration shall be exercised and performed within the said areas by the Agent to the Governor General himself:
- (2) for the purposes of the Act each of the said Cantonments, Civil Stations and sections of the Railway Lines in Central India referred to in the said notifications shall form a district and also a sub-district:
- (3) <sup>2</sup>[the Executive Officer for the time being for each of the Cantonments of Mhow, Nimach and Nowgong and the First Class Magistrate for the time being for the Cantonment of Sehore and for each of the Civil Stations and sections of the Railway Lines shall be the Registrar and Sub-Registrar of the said district and sub-district, respectively:]
- (4) the office of each of these <sup>3</sup>[Executive Officers and] Magistrates shall be the office of the Registrar and Sub-Registrar: and
- (5) the Sessions Judge for the time being for these areas shall be the Inspector of Registration offices for the said districts and sub-districts.

\* \* \* \* \*

[*Gazette of India*, 1913, Pt. II, p. 655.]

*Rules for the remuneration of Registering Officers.*

*No. 1281-B., dated the 3rd September, 1918.*—In exercise of the powers conferred by section 14 of the Indian Registration Act, 1908 (XVI of 1908), as applied to Administered Areas and Railway lands in Central India, the Agent to the Governor General in Central India is pleased to issue the following rules for the remuneration of Registering Officers appointed under the Act and of their establishment from the fees recovered in accordance with the Table of fees published in the Central India Agency Notification No. 514-B.,<sup>4</sup> dated the 24th

<sup>1</sup> See footnote 1 on p. 144, *supra*.

<sup>2</sup> Substituted by Notification No. 879-B., dated the 12th May, 1924. *Gazette of India*, 1924, Pt. II-A, p. 174.

<sup>3</sup> Printed *infra*, p. 180.

March, 1918, as in force for the time being, and to direct that they shall come into force from the 1st October, 1918:—

Registering Officers shall be remunerated by a percentage of the fees collected by them, monthly under the following heads of the Table of fees, namely:—

- (1) Ordinary registration fees (Articles I—V).
- (2) Fees for filing translations (Article IX).
- (3) Safe custody fees (Article X).
- (4) Fees for searches (Article XIII).
- (5) Fees for attesting powers-of-attorney (Articles XVII and XVIII).

Such percentage shall be 50 per cent. of collections up to Rs. 100 and 25 per cent. of collections in excess of Rs. 100 during the month.

2. In addition to the above, a Registering Officer who proceeds to a private residence or a jail under section 31, 33 or 38 of the Act, is entitled to half the fee together with the full travelling allowance prescribed for such visits by Articles XI and XII of the Table of fees.

3. Moharirs of Registration Officers not employed as such on a monthly salary, shall receive in full the copying fees realised under Articles VII and XIV of the Table of fees.

4. The travelling allowance contemplated in Rule 2 may be retained by the Registering Officer and the copying fees mentioned in Rule 3 may be paid to the Moharir concerned, without being passed through the Treasury accounts. But all other fees shall be paid into the Treasury, as collected and the percentage thereof allowed by Rules 1 and 2 shall be drawn at the close of the month by the Registering Officer entitled thereto by means of a bill, on which the Treasury Officer shall certify before payment that the amount claimed is the percentage allowed by the Rules on the collections during the month.

[*Gazette of India*, 1918, Pt. II, p. 1702.]

#### *Registration Rules.*

No. 488-B., dated the 17th March, 1913.—The following rules made by the Agent to the Governor General in Central India, under section 69 of the Indian Registration Act (XVI of 1908), as applied to the Cantonments of Mhow, Nimach, Nowgong and Sehore and to the Indore Residency Bazaars, the Civil Lines of Nowgong and to the Railway lands in Central India, referred to in the<sup>1</sup> notifications of the Government of India in the Foreign Department, Nos. 261-I. B. and 262-I. B.,

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<sup>1</sup> See footnote 1 on page 144, *supra*.

dated the 10th February, 1913, are hereby published as required by that section. \* \* \*

1. In these rules, unless there is something repugnant in the subject or context,—

“section” means a section of the Indian Registration Act, XVI of 1908.

“Form” means a form set out in the appendix to these rules.

2. The languages deemed to be commonly used in the said areas shall be English and Urdu.

3. The holidays to be observed in each Registration office shall be only those for the time being prescribed for all public offices.

4. The hours during which documents shall ordinarily be received for registration are from 10 A.M. to 4 P.M. daily, Sundays and holidays excepted.

5. Almirahs or suitable boxes, fitted with English locks, shall be provided in each Registration office for the safe custody of the office books, records and seal, which shall be therein kept; the key shall be in the custody of the head of the office for the time being. Each office shall also be supplied with an iron safe for the deposit of Wills and for such other purposes not inconsistent with rule as may seem fit to the Registrar, who shall retain the keys of the safe in his own custody.

6. The following books shall be kept in each Registration office:—

- (a) The registers and record prescribed by section 51.
- (b) The indexes prescribed by section 55 (Forms VII, VIII, IX).
- (c) Register of powers-of-attorney authenticated under section 33 (Form X).
- (d) Fee book.
- (e) Cash account book.
- (f) Minute book.
- (g) Book of receipt forms.
- (h) File book of all applications received and disposed of.

7. All documents presented for registration shall have reserved at foot of them, or on the reverse side, a blank space of not less size than one side of a half sheet of foolscap paper, on which to record registration endorsements, and no document on which such space has not been reserved shall be registered without the orders of the Inspector General in each case.

8. On the presentation of a document for registration, the Registering Officer shall forthwith, with his own hand, make on it an endorsement in Form I. He shall next examine it and ascertain—

- (1) whether it is duly stamped, i.e., whether it is stamped with a stamp of the value and description required by law when the instrument was executed; and
- (2) whether under sections 28 and 29 it can be registered in his office.

If he considers the stamp used incorrect or insufficient, he shall proceed as prescribed in Rule 9.

If the document has been presented in the wrong office, he shall proceed as prescribed in Rule 10.

9. (1) If the Registering Officer considers that a document is not duly stamped, he shall suspend registration proceedings, impound the document, and forward it to the Collector of Stamp Duty, endorsing on the document the date of its being impounded. When proceedings are suspended under this rule, a note should be made in the Minute Book, and when the person who presented the document returns it, or causes it to be returned to the Registering Officer with the certificate of the Collector duly endorsed on it, he shall, provided the time of presentation prescribed by or under sections 23 to 26 has not elapsed, resume proceedings from the stage at which he suspended them.

(2) If a document dutiable under the Court-fees Act (VII of 1870), be considered insufficiently stamped, it shall be returned to the party presenting it. The procedure to be followed in this case shall be that prescribed in Rule 12.

10. If a document is presented in the wrong office, an endorsement shall be made on it in Form XI and signed by the Registering Officer. It shall then be returned to the party presenting it, and an entry to this effect shall be made in the Minute Book.

11. For every document presented for registration, and not returned under Rule 10 or Rule 12, a receipt in Form XIV shall be forthwith given. The Registering Officer shall next examine the document, and ascertain whether or not it fulfils the requirements of law as to registration. If he finds the document correctly drafted, he shall levy fees as directed by Rule 46, and order a copy of it to be made in the appropriate register. If he finds it incorrectly prepared, he shall return the document for correction or amendment, as provided for in Rule 12, unless such correction or amendment appears impracticable, in which case registration shall be refused.

12. (1) In the following cases documents may be returned for amendment, correction or supply of omissions:—

- (a) If the document, not being in the language commonly used in the said areas, is not in a language understood by the Registering Officer, and is unaccompanied by a true translation and a true copy, as required by section 19.
- (b) If the document contains an interlineation, blank, erasure or alteration, which has not been attested with his signature or initials by the person executing the document, as required by section 20.
- (c) If the description of immovable property given in the document is not sufficient for the identification of such property as required by section 21.

[NOTE.—It shall ordinarily be held a sufficient description of territorial division under the said section 21, if the full name of the village, of the tahsil and of the district in which the property is situate be stated in the document, or, if the property be situate in more than one village, tahsil or district, then the names of all such villages, tahsils, or districts.]

- (d) If the document contains a map or plan of which no copy or copies has or have been filed, as required by section 21, clause (c).

(2) In the above cases, prior to return, the document shall be endorsed as required by Form XII, and an entry shall be made in the Minute Book. This entry shall contain the names of the obligor and obligee, the date of execution of the document, its nature, the date of the presentation and of return, and the reason for the return, with the period allowed for the amendment or correction.

13. The Registering Officer shall personally, and not through his Muharir, enquire into the identity of persons not previously known to him who appear before him in connection with documents presented for registration, or the authentication of powers-of-attorney under section 33. He shall require identification in such cases by persons known to himself, or satisfy himself by the evidence of persons in public positions or of known respectability, such as Patels, Patwaris, Officers of the Courts, Pleaders, and the like.

14. (1) An oath shall ordinarily be administered under section 63 only when the Registering Officer doubts the truth of statements made by persons before him, but it shall be administered in every case in which fraud is suspected or alleged.

(2) The substance of statements made on oath shall be recorded, in the manner prescribed by section 63, in the Minute Book, and the fact of evidence having been so recorded shall be endorsed by the Registering Officer on the document according to Form II (b).

15. In cases in which it is necessary to enforce the appearance of executants or witnesses under sections 36 to 39, or to make visits or issue commissions under section 33, or to allow time for persons to appear without service on them of process, the Registering Officer shall record in the Minute Book the cause of the delay in completing registration, or refusing registration, as the case may be, with the date fixed for appearances or resumption of proceedings, and the serial number of the document.

16. Should default be made in presenting a document returned under Rule 12, or in appearing when time has been allowed under Rule 15, and it appears inadvisable to extend the order previously made in the matter, the Registering Officer may refuse registration.

17. The reasons for refusal to register, which shall be recorded in Book No. 2 are the following:—

(a) *vide* Rule 9 (2) and Rules 11, 12, 16 and 25:

(b) that the document has not been presented by a person executing or claiming under it, or by his representative, or assign, or by an agent of any of them duly authorised by power-of-attorney executed and authenticated under section 33 (section 32):

(c) that the alleged representative, assign, or agent has failed to prove his status (section 34):

(d) that presentation of the document is time-barred under sections 23 to 26—*vide* Rule 33:

(e) that appearance of persons executing documents, or their representatives, assigns, or agents authorised under section 33, has not taken place within the time allowed by section 34—*vide* Rule 33:

(f) that execution is not admitted, or that the person by whom the document purports to be executed appears to be a minor, an idiot, or a lunatic, or that he is dead, and his representative or assign denies execution, or that the identity of persons has not been established to the satisfaction of the Registering Officer, or that the death of the person alleged to have executed a document, and who does not appear, has not been proved (section 35):

(g) that the document has not space left blank for entry of endorsements as required by Rule 7:

(h) that the document is not stamped in accordance with the provisions of the Indian Stamp Act (II of 1899), or the Rules framed under that Act, and, having been impounded,

has been returned by the Collector of Stamp Revenue, who has not, by his certificate made under clause (a) of section 40 of that Act, rendered the document admissible for registration :

- (i) that fees and costs of registration, having been demanded under section 80, have not been paid.

18. The record of the reasons shall be made in Book No. 2 at the time the refusal to register is decided on; and on the document the words "Registration refused", with the date and the signature of the refusing officer and the title of his office, shall alone be endorsed. This endorsement shall be sealed.

19. Registration shall not be refused on the ground that any person executing or claiming under the document is unwilling that it shall be registered, or that want or failure of full consideration or denial of execution with free consent (as defined in section 14 of the Indian Contract Act, IX of 1872), is pleaded by the obligor under the document, although he admits execution: Provided that the terms of the deed shall be clearly explained to the parties, and whenever any such plea as above indicated is raised or any objection is taken to the terms of the document, the fact is to be recorded by the Registering Officer in an endorsement in Form II (e). The case of refusal to sign endorsements is provided for in section 58.

20. When the parties mentioned in section 34 are present at the time of the presentation of a document for registration, and the enquiry directed by that section can there be made, the procedure under section 58 need not be delayed till the document has been copied under Rule 11, but the certificate under section 60 should not be endorsed till then. Endorsements made under section 58 shall be in Form II (a), (b), (c), (d), or (e) or Form III, as the case may require, and endorsements made under section 60 shall be in Form IV.

21. All endorsements made on documents shall at the time of their being made be copied into the margin of the page or pages of the book into which the document has been copied, and in successive order, and at foot of the last endorsement so copied the value of the stamp paper used for, or of the adhesive Court-fee stamp affixed to, the document shall be recorded. The amount of the ordinary, extraordinary and copying fees levied on the document by the Registering Officer shall be recorded below the value of the stamp paper or stamp; and the Registering Officer shall sign the entry.

22. Errors, erasures, interlineations, etc., in the original document shall be copied in the Register Book *exactly* as they appear in the docu-



ment. A note shall be made in the margin of the book explanatory of such errors, etc., and in the following manner:—

In the case of interlineations, additions or misspelling by a single mark × in ink over the defect, with a similar mark × and the word “sic” with the initials of the Registering Officer in the margin of the book. In the case of an erasure, by two marks × ×, one at each end of the erasure, with similar marks and the word “erasure” with the initials of the Registering Officer in the margin of the book.

23. The Registering Officer shall authenticate each copy made into a register by initialling it at the four corners. This is in every case to be done prior to the return of the document to the person who presented it or claims it; and prior to so initialling, the Registering Officer shall examine the copy made, and should he find that any error has been made in copying, he shall cause the error to be corrected and affix to it his initials; should an interlineation or erasure be necessary, he shall affix his initials to both ends of the same.

24. The entries made into the registers shall be serially numbered, and the numbering shall commence and terminate with the calendar year. Volumes of books shall be similarly numbered. At the end of each year, if the book in use be not completely filled, it shall not be necessary to open a new book, but a half sheet of foolscap paper shall be pasted into the book after the last entry made in the expired year, and on this shall be written the words—

Book No.—, Volume No.— of 18—.

[The next entry made will be Serial No. 1 of the year.]

25. Before registering a copy of a Court decree or order, the Registering Officer shall ascertain if it be properly certified, and is not disqualified for registration for any of the reasons mentioned in Rule 17 which may apply to it. Such a copy shall not be considered properly certified unless it has a certificate at foot of it that it is a true copy of the document or part of the document, as the case may be, dated and signed with his official title by the officer whose duty it is to grant copies, and if he is authorised or required by law to use a seal, the certificate must be sealed (section 76, Indian Evidence Act, I of 1872). If the document prove not to be a properly certified copy, registration shall be refused. The only endorsements that shall be made on certified copies of decrees or orders of Courts shall be the presentation endorsement (section 52), and the final certificate of registration (section 60) or the endorsement of refusal to register (section 71). Sections 34 and 35 do not apply to such copies.

26. After registration has been completed or refusal to register has taken place, the person who presented the document shall produce the receipt given to him for it, and the document shall then be returned to him. Should he, by endorsement made on the receipt, have authorised another person to receive the document, it shall, on delivery to the Registering Officer of the receipt so endorsed, be handed to such person. The date of the return of the document and the name of the person to whom delivered shall be endorsed on the receipt, which shall then be pasted on to the counterfoil in the receipt book. When returning a document to a person, the Registering Officer shall enquire from him the exact amount which the person who presented the document has paid as fees or costs for its registration, and ascertain whether the amount stated to have been paid corresponds with the entry in the Fee or Cash Account Book, and in the receipt; if it does not, he shall require immediate explanation from the Muharir.

27. Should a document remain unclaimed for one month from the date on which certificate of registration or refusal to register was recorded on it, it shall be entered in the "List of unclaimed documents" Form XIII. This list shall be conspicuously exposed to public view in the Registration Office. A document which has been entered in the list shall thereafter not be returned unless and until a fee for its safe custody, at the rate prescribed in the fee table, is paid by the person who presented it for registration, or by the person whom he may have authorised, under Rule 26, to claim it. For instructions relative to the eventual destruction of unclaimed documents, *vide* Rule 45.

28. (1) When under section 39 of the Specific Relief Act (I of 1877) a Court sends to a Registering Officer copy of a decree directing cancellation of a registered document, the Registering Officer shall note the following particulars across the copy of the document in the book:—

- (a) Court of .
- (b) Suit No. of 18 .
- (c) Plaintiff's name , defendant's name .
- (d) The words "By decree made in the above suit and dated  
this document was ordered to be cancelled—*vide*  
letter from the Judge No. , dated ,  
filed as Serial No. of 18 , in the File Book".

(2) The Registering Officer shall then sign and date the entry so made noting below his signature the designation of his office.

(3) When a Court has, under section 31 of the same Act, ordered rectification of a registered document, and fresh registration is sought

by the parties executing or claiming under such document, a note shall be written across the original entry in the book and be thus made:—

For copy of this document which has been rectified, *vide* Serial  
No.                   , Volume                   , Book No.                   for 19   .

*Date*                   .

*Signature of Registering Officer,  
Official designation.*

29. Every copy of a certificate or order received by a Registering Officer under section 89 shall be pasted into Book No. 1, and an endorsement in the following form shall be made on the margin of the page on which it is pasted *viz.*:—

This copy of a certificate [*or order*] granted under  
(*the Act in question*) was received from                   (*the Officer or  
Court*) and filed under section 89 of the Indian Registration Act, 1908,  
on the                   day of                   19   .

*Signature and Official title  
of the Registering Officer.*

30. (1) Copies prepared in compliance with section 65 or section 66 shall be written on whole sheets of foolscap paper.

(2) Postal charges for copies of documents made under section 65 or section 66 shall not be levied: the fees charged shall be held to cover all expenses, and the postage must be paid by the Registering Officer in service stamps.

31. The District Registrar shall give a receipt in Form XIV for each Will contained in a sealed cover which is deposited with him.

32. Fines for late presentation (section 24) and late appearance (section 34) shall be regulated by the scale given below. In calculating the time when the period begins to run, it must be borne in mind that the words "from the date" and "from the day" used in section 23 exclude from the period the date of the execution of the document, and the day on which the decree or order of the Court was made or became final, as the case may be.

Scale—

(a) Where the delay does not exceed a month, a fine of twice the amount of the proper registration fee.

(b) Where the delay exceeds one month, but does not exceed two months, a fine of four times the amount of the proper registration fee.

(c) Where the delay exceeds two, but does not exceed three months, a fine of six times the amount of the proper registration fee.

(d) Where the delay exceeds three, but does not exceed four months, a fine of ten times the amount of the proper registration fee.

33. (1) Applications lodged under section 24 or section 34 shall be filed in the File Book of applications [Rule 6 (h)]; and the purport of the orders passed shall be communicated to the applicant without unnecessary delay.

(2) The following particulars regarding such applications shall be entered from time to time in the Minute Book [Rule 6 (f)]:—

(a) Date of application being lodged.

(b) Date of communication of the Registrar's order to the applicant.

34. (1) Endorsements of authentication on powers-of-attorney, made under section 33, shall be made by the Registering Officer himself in Form V, clause (a), (b), or (c), as the case may require.

(2) A general but not a special power-of-attorney may have a clause added to it, in the presence of the Registering Officer, conferring on the attorney or agent the power to act for the principal under the Registration Act, and such additional clause shall then be authenticated by the Registering Officer.

35. (1) Section 57 permits any person to inspect Books Nos. 1 and 2 and the indexes belonging to Book No. 1, and to obtain copies of entries in those books. The second clause of the same section authorises the giving of copies of entries in Book No. 3 and in the index relating thereto to the executants only, or their agents, or, after the death of the executants, to any applicant; but it does not authorise the inspection of Book No. 3. In the case of Book No. 4 the privileges are also restricted to obtaining copies, and can only be exercised by persons executing or claiming under the document, or their agents or representatives. These distinctions must be most carefully noted when applications for inspections or copies are received.

(2) All inspections shall be made in the presence of the Registering Officer. The law does not authorise the making of copies while inspecting books; any copy required must be duly applied for in writing. In no case shall Book No. 3 or Book No. 4 be put into the hands of any person for purposes of search; all searches necessary prior to grant of a copy of an entry in either of those books shall be made by the Registering Officer or his Muharir.

36. No one but a Muharir attached to the Registration Office shall be allowed to copy into or from the books or to prepare indexes or compile statistical returns from them:

Provided that the Registering Officer may by written order specially or generally authorise a particular copyist to make a copy or copies.

37. (1) All applications for inspection or copies shall be made in writing.

(2) On each application shall be entered the date of its receipt, the date on which it was complied with, and the mode of compliance, with the amount of fees paid in connection with it. It shall then be filed [*vide* Rule 6, clause (h)] and be given a serial number in the file.

(3) If any application is not complied with, the reasons for non-compliance should be endorsed on the application, which should be returned to the presenter. A copy of such reasons should be entered in the Minute Book [Rule 6 (f)].

38. Receipts shall be given for all applications received and fees paid for copies, and a note shall be made on the receipt specifying the probable date on which the copy will be ready for delivery. The provisions of Rule 26 shall, *mutatis mutandis*, apply to receipts given under this rule.

39. Applications for copies of reasons for refusal to register shall be in writing. These copies shall be given immediately on receipt of the application, and the application shall be treated as prescribed in Rule 37 (2).

40. All Registering Officers granting copies shall certify and seal them in the manner described in Rule 25. This rule applies to all copies, of whatsoever description, which may be prepared in the Registering Office.

41. (1) Indexes Nos. I, II, III and IV shall be prepared in Forms VII, VIII, and IX, respectively.

(2) In the case of certified copies of decrees and orders of Courts, particulars of which fall to be entered in Index No. I or Index No. IV, the names of plaintiffs and defendants, appellants and respondents, petitioners and opposite parties, shall be the names recorded.

(3) Indexes shall be prepared alphabetically, and entries therein shall be made immediately the document has been copied, or the memorandum has been filed. The filling in of Index entries is not to be deferred pending completion of registration or refusal to register.

(4) The first letter of the name of the person, if a native of India, and of the surname in the case of Europeans, shall be the guide to the letter under which the entry is made.

42. Index forms will be supplied in loose sheets, and as they are filled in shall be tacked together; and at the end of each year, after careful examination to ascertain whether or not the sheets are in alphabetical order, they shall be bound in book form, and permanently retained in the Registration Office. Separate sheets of indexes shall not be used for each month; but when a sheet has had an entry made in it, entries coming under the same letter of the alphabet shall continue to be made on that sheet till it be filled, when a fresh sheet shall be added to it, and so on till the close of the year.

43. Books Nos. 1, 2, 3 and 4, Registers of Powers-of-Attorney and Minute Books shall be preserved in perpetuity.

44. (1) The books mentioned in clauses (d), (e), (g) and (h) of Rule 6 when filled in, and bearing a last date three years back, may, under the orders of the Registrar, but not otherwise, be destroyed in the month of January annually.

(2) Routine correspondence of an ordinary character, office copies of periodical returns and statements, satisfied indents, summonses served and commissions executed, charge reports and copies of contingent bills and vouchers, may, at the discretion of the Registrar, be ordered to be destroyed at intervals of two years.

(3) When the destruction of books, papers, etc., has been ordered under this rule, prior to such destruction being carried out, the Registrar shall prepare a list in Form XV, and after the destruction has taken place, he shall fill in the last column of the form and sign the list. The certificate of destruction shall then be filed in his office.

45. (1) When a document has been in the unclaimed list (Rule 27) for a period of 22 months, notice is to be given by letter (forwarded "service bearing") to both the persons who executed it and the person who presented it for registration. The date on which, and the names of the persons to whom such notice is sent, shall be endorsed on the document. This notice shall be in Form VI, and shall state that, in default of the document being claimed, and custody fees being paid within two months from date of notice, the document will be destroyed under section 85.

(2) If the document be not claimed, or custody fee be not paid, within the two months, the Registrar shall exercise his discretion and order the destruction or further retention of the document, as the case may require: Provided that in no case shall a document be kept in the unclaimed list for more than 30 months.

(3) When the destruction of an unclaimed document has been ordered, and prior to the destruction being carried out, a note shall be entered at foot of the copy of the document in the book in which it

was registered, or the reasons for refusal to register it were recorded. This note shall be signed by the Registrar and be worded as follows:—

The document referred to above was destroyed before me on this  
day of 19 , it having been in the unclaimed  
list of this office, from the day of 19 due notice  
of intended destruction under Rule 45, having been sent to ,  
son of and son of , on the  
day of .

*Signature and official title  
of Registrar.*

46. (1) The fees leviable for the registration and copying of a document and the fee prescribed for copying the endorsements are payable on demand made by the Registering Officer. Such demand shall be made as soon as the Registering Officer admits the document to registration and is prepared to order it to be copied into the appropriate book under section 52.

(2) In calculating copying fees, a fraction of a folio shall be counted as a whole folio.

(3) Demand for fees on account of visits, or the issue of commissions, shall be made when application for such visit or commission is received.

47. (1) All fees paid shall be at once brought to account in the Fee Book in detail, distinguishing ordinary from extraordinary or other fees, and all moneys paid shall from time to time be entered in the receipts given for documents under these rules.

(2) The Registering Officer is held personally responsible that this rule is strictly attended to; and he shall cause the entries in the Fee Book to be totalled daily, initialling the result after checking it.

48. (1) The cash received in the Office shall be daily remitted, with a chalan to the nearest treasury, and the chalan shall be filed when returned from the treasury. Should distance render daily remittances impossible, the collections may, with the sanction of the Inspector-General of Registration, be allowed to accumulate till the total in hand reaches Rs. 50, or the month ends, whichever may first occur, and shall then be chalaned to the treasury. In such cases special provision must be made under the said sanction for the safe custody of the cash.

(2) It shall be discretionary with the Inspector General of Registration to require any Registering Officer who may not be able to make daily remittances to the treasury to furnish security under bond to such amount as may seem to him necessary for the cash which may come into the hands of the Registering Officer.

49. A copy of the fee table in English and the vernacular shall be pasted on to a board and be exposed to public view in a conspicuous place in the Registration Office, and the head of the office will be held responsible that the same is maintained in a legible condition.

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## APPENDIX.

### FORM I.

*Presentation Endorsement under section 52 [Rule 8].*

Presented between the hours of                      and                      (A.M., or P.M.,  
as the case may be) on the                      19                      , in the office of the Registrar  
of                      (or at the house of A, son of B, at                      ),  
by C, son of D. Dated this                      day of                      19                      .

*Signature and addition of C.*

*Signature and official title of  
Registering Officer.*

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### FORM II.

*Endorsements on documents admitted to registration under section 58  
[Rule 20].*

(a) Execution and receipt of consideration\* (in full or in part,  
specifying the amount) admitted by A, son of                      , caste                      ,  
resident of                      , who is personally known to the  
Registering Officer. Dated this                      day of                      19                      .

*Signature and addition of A.*

*Signature and official title of  
Registering Officer.*

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(b) Execution and receipt of consideration (in full or in part, specifying  
the amount) admitted by A, son of                      , caste                      ,  
resident of                      , who was identified by B, son of                      ,  
and by C, son of                      (if oath was administered here write who  
were examined on oath, and that their statements were recorded in the

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\* If no consideration actually passes, but the instrument is simply the renewal  
of an old one, this fact should be stated.



*Minute Book*—*vide* Rule 14), both of whom are personally known to the Registering Officer. Dated this                      day of                      19 .

*Signature and addition of B.*

*Signature and addition of A.*

*Signature and addition of C.*

*Signature and official title of  
Registering Officer.*

(c) Execution and receipt of consideration (*in full or in part, specifying the amount*) admitted by A, son of                      , caste                      , resident of                      , Agent of B, son of                      , caste                      , of                      . under a power-of-attorney, dated                      and authenticated by                      , who is personally known to the Registering Officer [*or if identified by witnesses, here enter as shown in Form II (b) above*]. Dated this                      day of                      19 .

*Signature and addition of A.*

*Signature and official title of  
Registering Officer.*

*Signature and addition of  
witnesses if any.*

(d) Execution and receipt of consideration (*in full or in part, specifying the amount*) admitted by A, son of                      , caste                      , of                      , as representative (or assign) of B, son of                      , caste                      , of                      deceased, who has proved his status by the evidence of C, son of                      , caste                      , and D, son of                      , caste                      , of                      , who were examined on oath, their statements being recorded in the Minute Book. Dated this                      day of                      19 .

*Signature and addition of A.*

*Signature and official title of  
Registering Officer.*

*Signature and addition of the  
witnesses C and D.*

NOTE 1.—In cases in which the obligor receives the consideration in the presence of the Registering Officer, in Forms II (a), (b) and (c) for the words "execution and receipt of consideration admitted by," substitute "execution admitted by and receipt paid [or property (specifying what property) handed] to                      (name and addition) in the presence of the Registering Officer."

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*Orders under Acts locally applied.*)

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NOTE 2.—In case of refusal to sign an endorsement made under section 58 the Registering Officer should add to the endorsement a note as follows —

"The aforesaid (*name and addition*) refused to sign the above endorsement."

(e) Execution admitted by A, son of B, caste , of , who is personally known to the Registering Officer [*or identified by (names and additions)*]. The said A [*alleges that he had received no consideration, or only a part of the consideration (specify part named) for the document, or that execution of the document was obtained from him by fraud, or in any other of the invalidating ways indicated in Rule 19, or takes the following objection to the terms of the document, viz., etc. (In each case record a brief but clear abstract, the full statements made by all parties examined being recorded in the Minute Book.)*] Dated this                      day of                      19 .

*Signature and addition of A.*

*Signature and official title of  
Registering Officer.*

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FORM III.

*Endorsement on document admitted to registration under section 58, where a Commission has been issued under section 38 [Rule 20].*

Execution and receipt of consideration (*or as the case may be*) admitted by A, son of , caste , of , but now in the Jail under process of a Civil (*or Criminal*) Court [*or as the case may be*] on the                      day of                      19 , as deposed to, to my satisfaction, by (*name and addition of Commissioner who examined the said A*). Dated this                      day of                      19 .

*Signature and addition of the  
Commissioner.*

*Signature and official title of  
Registering Officer.*

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FORM IV.

*Endorsement of certificate of registration under section 60 [Rule 20].*

Registered in Book No.                      , Volume                      , on page                      ,  
(*or pages*                      and                      ) as Serial No.                      of 19                      , on this  
day of                      19 .

*Seal.*

*Signature and official title of  
Registering Officer.*

FORM V.

*Endorsements on Powers-of-Attorney authenticated by a Registering Officer under section 33 [Rule 34].*

(a) Executed in my presence on this                      day of                      19   ,  
by                      , son of                      caste                      , of                      ,  
who is personally known to me (or whose identity was proved by the  
evidence of                      , son of                      and                      , son of                      ),  
(if oath was administered, here write that the parties were examined  
on oath, and that their statements were recorded in the Minute Book—  
vide Rule 14, and recorded as No.                      of 19   ).

*Seal.*

*Signature and official title of  
Registering Officer.*

(b) Having visited and examined the principal (*name and addition*)  
at his (or her) residence at                      , I am satisfied that this power-of-  
attorney has been voluntarily executed by him (or her), and I accord-  
ingly authenticate it under section 33 of the Indian Registration Act,  
1908, and record it as No.                      , for 19   , on this                      day of  
19   .

*Seal.*

*Signature and official title of  
Registering Officer.*

(c) From the report made by (*name and addition*), who was appointed  
Commissioner to enquire into the voluntary execution of this power-of-  
attorney by (*name and addition*), I am satisfied that it has been  
voluntarily executed by the said (*name only*), and I accordingly authenti-  
cate it under section 33 of the Indian Registration Act, 1908, and record  
it as No.                      for 19   , on this                      day of                      19   .

*Seal.*

*Signature and official title of  
Registering Officer.*

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FORM VI.

*Notice of intended destruction of a document [Rule 45].*

Notice is hereby given to you (*name and addition of the person who  
executed the document or the person who presented it for registration,  
as the case may be*) that unless you, within two months from the date  
of this notice, claim and pay custody fees for the (*here briefly state  
the nature of the document*), dated                      , executed by (*name*  
a 2

*and addition*) (or presented for registration by) (*name and addition*) and which has lain unclaimed in the (*name of office*) since the (*date of entry in the unclaimed list*), the said document will, on the expiration of the said two months, be destroyed under section 85 of the Indian Registration Act, 1908.

*Date in writing and figures.*

*Signature of Registrar.*

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FORM VII.

*Indexes Nos. I and IV [Rules 6 and 41].*

- (1) Names and father's names of executants and claimants.
- (2) Trade profession or caste of the above.
- (3) Town, or village, tahsil and district in which the above resides.
- (4) Interest or liability under the documents or memoranda (*vendor or vendee, mortgagor or mortgagee, plaintiff or defendant, and the like*).
- (5) Serial number given to, with the year, book, volume, and page of the entry of the documents.

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FORM VIII.

*Index No. II [Rule 6 and 41].*

- (1) Name of the town or village and tashil in which the immovable property is situate and if in a town, the name of the street if it has a name.
- (2) Name of the tashil and of the district.
- (3) Nature of the document (*as lease, deed of sale, mortgage, and so on, as the case may be*) with a specification of the consideration as therein set forth.
- (4) Serial number given to, with the year, book, volume, and page of the entry of, the document.

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FORM IX.

*Index No. III [Rules 6 and 41].*

- (1) Name and father's name of executant of Will or authority to adopt.
- (2) Trade, Profession or caste of the above.
- (3) Town, or village, tahsil and district in which the above resides.

(4) Date of execution, and whether the document is a Will or authority to adopt.

(5) Names and father's names of executors and persons appointed thereunder.

(6) Names and father's names of persons claiming under the document; *(to be here recorded after the death of the testator or the donor of the authority to adopt, and not before).*

(7) Trades, professions, or castes of persons entered in column 6.

(8) Town, or village, tahsil and district in which each person entered in column 6 resides.

(9) Serial number in, with number of volume and page of, the Register of Wills and authorities to adopt, in which the document has been registered.

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FORM X.

*Register of powers-of-Attorney authenticated under section 33 [Rule 6].*

Serial number in this register.

Name and addition of person executing.

Name and addition of attorney or agent appointed.

Whether the executant is personally known to the authenticating officer, or if not, names and additions of persons by whom he was identified.

Nature of the power "General or Special".

Date of authentication.

Signature and official title of authenticating officer.

Number of the receipt given for the fees paid, and their amount.

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FORM XI.

*Endorsement on return of document presented in a wrong office  
[Rule 10].*

This document is returned to *(name and addition)*, who presented it, as it cannot be registered in this office under either section 28 or section 29 of the Indian Registration Act, XVI of 1908, and he is instructed to present it without delay to the Sub-Registrar of \_\_\_\_\_ or the Registrar of the district, for registration. Dated this \_\_\_\_\_ day of

19 \_\_\_\_\_

*Signature and official title of  
Registering Officer.*

**FORM XII.**

***Endorsement on document returned for amendment [Rule 12].***

Returned to (name and addition of the person who presented the document) to enable him to present with it a true copy [or, as the case may be—see Rules 9 (2) and 12], which he must do on or before the day of 19 . Dated this day of

19

*Signature and official title of  
Registering Officer.*

**FORM XIII.**

***List of unclaimed documents [Rule 27].***

[illegible]

FORM XIV.

*Receipt Forms [Rules 6, 11, 26, 31, 38 and 47].*

*Serial No. . Office of the , Serial No. .*

Date.	Fees paid.	To whom given.	Date, description, and value of document, or date and nature of application, or superscription on sealed cover received, or for which payment has been made.	Amount.	Initials of Registering Officer.	Date of return of this receipt and name of the person actually returning it.	Signature of party who returns the receipt on satisfaction of his claim under it.
Name and addition of recipient Receipt for what Initials of Registering officer	R.S.A.P.			R.S.A.P.			

*Date*

*Signature and official title of  
Registering Officer.*

FORM XV.

*List of Books, etc., destroyed in the Office of the of [Rule 44].*

BOOKS.		PAPERS.		By whose order destroyed.	Mode of destruction.	REMARKS.
Names of	Date of the last entry made in them.	General description.	For what years.			

I certify that the books and papers mentioned in the above list were destroyed in my presence on this                      day of                      at

*Signature of the Registrar.*

*Fees.*

No. 514-B., dated the 24th March, 1913.—The following table of fees prepared under section 78 of the Indian Registration Act, 1908 (XVI of 1908), as applied to the Cantonments of Mhow, Nimach, Nowgong and Sehore, and to the Indore Residency Bazzars and Civil Lines of Nowgong and to the Railway lands in Central India referred to in the notifications<sup>1</sup> of the Government of India in the Foreign Department, Nos. 261 and 262-I. B., dated the 10th February, 1913, is hereby published as required by section 79 of the Act. \* \*

TABLE OF FEES UNDER SECTION 78 OF THE INDIAN REGISTRATION ACT,  
XVI OF 1908, FOR THE AFORESAID AREAS.

I.—REGISTRATION FEES (ORDINARY).

A.—Documents chargeable at “ad valorem” rates.

ARTICLES.	RS. A. P.
I.—For the registration of any document, the registration of which is compulsory other than a lease—	
When the value or consideration does not exceed Rs. 100 .	1 0 0
For every one hundred rupees or part of one hundred rupees in excess of Rs. 100 .	0 8 0
The maximum fee to be . . .	20 0 0
II.—For the registration of leases—	
Half the value of the stamp-duty payable on the lease.	
If the lease is exempt from stamp-duty, a fee of . . .	0 8 0
III.—For the registration of bonds—	
Half the value of the stamp-duty payable on the bond.	
PROVISO.—The minimum fee under Article II or Article III is . . .	0 8 0

B.—Documents chargeable with fixed duties.

IV.—For the registration of a Will, power-of-attorney, authority to adopt, or certified copy of a decree or order of a Court . . .	2 0 0
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<sup>1</sup> See footnote 1 on page 144, *supra*.



I.—REGISTRATION FEES (ORDINARY)—*contd.*

B.—Documents chargeable with fixed duties—*contd.*

RS. A. P.

ARTICLES.

V.—For the registration of any document which cannot be brought under any other article of this Schedule . . . . . 1 0 0

II.—REGISTRATION FEES (EXTRAORDINARY).

VI.—Extra fees for registration of any document by a Registrar . . . . 4 0 0 In addition to the ordinary fee.

III.—FEES INCIDENTAL TO REGISTRATION.

(1) Payable in all cases.

VII.—Copying fees<sup>1</sup> (payable independently of registration fee) . (a) 0 2 6 (a) For each folio<sup>2</sup> of 100 words in the document.

NOTE.—Copying fees are not leviable on the registration of leases of fields granted to cultivators or on the registration of counter parts of such leases . . . . .

(b) 0 4 0 (b) Fixed fee for copying the endorsements on the document.

(2) Payable in Special Cases in addition.

VIII.—For every copy to be sent under section 65 or section 66, a uniform fee of . . . . . 0 8 0

IX.—For filing a translation (section 62) . . . . . 2 0 0

X.—For the custody of a document which has remained unclaimed for one month from the date on which it was endorsed "registered" or "registration refused" . . . . . 1 0 0 For each month or portion of a month after the first month during which the document is unclaimed.

NOTE.—The maximum fee is Rs. 5. The fee may be remitted at the discretion of the Inspector-General of Registration.

<sup>1</sup> If a document relates to immovable property situated in more districts than one, and a copy thereof has to be forwarded to another or other districts under section 65 or section 66, copying fees will be payable twice over (or oftener as the case may be), once for the original copying into the register and again for making the copy or copies for despatch (*vide* Article XIV).

<sup>2</sup> A fraction of a folio to be counted as a whole folio [Registration Rule 46 (3)].

IV.—FEES FOR VISITS AND COMMISSIONS.

Rs. A. P.

ARTICLES.

XI.—For attendance at a private residence for acceptance of a document for registration or for deposit (section 81), or for the examination of any person under section 88.

10 0 0 In addition to the ordinary fee and travelling allowance at the rate of 4 annas per mile by road and 1½ annas by rail.

NOTE.—When an attendance takes place under both sections 81 and 88 at the same time and place, if the registration of but one document is concerned, only one attendance fee and one registration fee will be levied. If a Registering Officer, when the registration of one document is concerned, attends on the presenter on one occasion and the executant or another necessary witness on another occasion, two attendance fees and one registration fee will be levied. If a Registering Officer attends at a private residence or jail, and one person presents several documents, or one person admits the execution of several documents at one and the same time and place, only one attendance fee will be levied; but a registration fee will be levied in the case of each document. Where several different persons at one and the same time and place present for registration or admit execution of several different documents, the Registering Officer will levy an attendance fee for each distinct transaction, the registration fee being payable on all such documents.

N.B.—The rate is per mile, and no distance less than a mile should be charged for.

XII.—For attendance under section 88; or the issue of a commission under section 88 or section 88—

(a) If the person is physically unable to attend the office or is confined in jail . . .

5 0 0 In addition to the ordinary fee and travelling allowance at the rate of 4 annas per mile by road and 1½ annas by rail.

(b) Otherwise . . . 10 0 0 Ditto ditto.

V.—FEES FOR SEARCHES AND FOR COPIES.

ARTICLES.

RS. A. P.

XIII.—For a search made for an entry by a Registering Officer;<sup>1</sup> and for allowing an applicant to inspect books or indexes<sup>2</sup> . . .

1 0 0 Per hour or part of an hour occupied in search or inspection.\*

NOTE.—Government Officers who may require to search or inspect the registers for *bond fide* public purposes are exempted from the payment of fees.

XIV.—For making or granting copy of reasons,<sup>3</sup> entries, or documents for the benefit of any person, or to be forwarded to any other officer under section 65, 66, or 67<sup>4</sup> . . .

0 2 6

NOTE.—Government officers who require copies for *bond fide* public purposes are exempted from payment of fees.

XV.—For granting copy of a map (provided that the arrangements for and the cost of making such copy must be made and borne by the person who applies for it) . . .

0 8 0

Per folio<sup>5</sup> of 100 words in the body of the document, and in addition a fixed copying fee of 4 annas on account of endorsements copied.

VI.—FEES FOR MISCELLANEOUS PROCEEDINGS.

XVI.—(a) For deposit of a sealed cover containing a Will . . .

2 0 0

(b) For opening such cover . . .

2 0 0

(c) For withdrawal of such cover . . .

2 0 0

Besides the expense [in (b) only] of copying the contents according to the scale laid down above (Article XIV).

XVII.—For attestation of a power-of-attorney (if special) . . .

1 0 0

XVIII.—For attestation of a power-of-attorney (if general) . . .

2 0 0

VII.—FEES FOR APPLICATIONS AND FOR ISSUE OF PROCESS.

XIX.—The fees payable under the Court-fees Act, 1870, and rules issued under it for applications to and processes issued by Revenue Courts shall be levied on such applications to Registering Officers as are required to be in writing and on processes issued by them.

[*Gazette of India*, 1913, Pt. II, p. 667.]

<sup>1</sup> If in an application to the Registering Officer for a copy of an entry the name of the claiming and executive parties, the nature of the document and the date of the document, and the date of registration be shown, the fee for search will not be levied.

<sup>2</sup> Only Books Nos. 1 and 2, and the indexes relating to Book No. 1, are open to inspection (section 57, Act XVI of 1908); the others must be searched by the Registering Officer or his Moharir.

<sup>3</sup> Copies of reasons for refusal to register when granted by Sub-Registrars are exempt from fees (section 71 of Act XVI of 1908).

<sup>4</sup> See footnote to Article VII.

<sup>5</sup> A fraction of a folio to be counted as a whole folio [Registration Rule 46 (5)].

INDIAN ELECTRICITY ACT, 1910.

*Rules.*

<sup>1</sup>*No. 879-I. B., dated the 24th May, 1917.*—Not reprinted.

[*Gazette of India*, 1917, Pt. I, p. 944.]

INDIAN AIRCRAFT ACT, 1911.

*Prohibition of navigation over Mhow Cantonment.*

*No. 110-B., dated the 6th February, 1914.*—In exercise of the powers conferred by section 7 of the Indian Airships Act, 1911 <sup>2</sup>(XVII of 1911), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to prohibit the navigation over the said Cantonment of any airship, other than an airship belonging to the British Military Authorities.

[*Gazette of India*, 1914, Pt. II, p. 569.]

INDIAN LUNACY ACT, 1912.

*Areas in which reception orders may be made.*

*No. 1875-B., dated the 30th September, 1913.*—In exercise of the powers conferred by section 5 of the Indian Lunacy Act, 1912 (IV of 1912), as applied to the Administered Areas and to the Railway Lands in Central India, mentioned in the notifications of the Government of India in the Foreign Department, No. 2365-I. B., dated the 14th November, 1912,<sup>3</sup> and No. 261-I. B., dated the 10th February, 1913,<sup>4</sup> the Agent to the Governor General is pleased to direct that these areas and lands shall be deemed to be the areas within which reception orders can be made as contemplated by clause (4) of the section.

[*Gazette of India*, 1913, Pt. II, p. 1833.]

*Courts to send lunatics to asylum at Nagpur.*

*No. 2190-I. B., dated the 18th July, 1918.*—In exercise of the powers conferred by section 85 of the Indian Lunacy Act, 1912 (IV of 1912), as applied to the Administered Areas in Central India, the

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<sup>1</sup> For revised rule 38 of the Electricity Rules, see Notification No. 2372-I. B., dated the 8th May, 1919. *Gazette of India*, 1919, Pt. I, p. 978.

<sup>2</sup> Now designated the Indian Aircraft Act, 1911, the short title having been amended.

<sup>3</sup> See now Notification No. 202-I., dated the 24th April, 1929, Printed *supra*, p. 23.

<sup>4</sup> See footnote 1, on p. 144 *supra*.

Governor General in Council is pleased to direct that all Courts exercising jurisdiction in the said areas may send lunatics to the lunatic asylum at Nagpur in the Central Provinces.

2. The notification of the Government of India in the Foreign and Political Department, No. 1767-I. B., dated the 20th June, 1918, is hereby cancelled.

[*Gazette of India*, 1918, Pt. I, p. 1139.]

#### WILD BIRDS AND ANIMALS PROTECTION ACT, 1912.

##### *Close time.*

*No. 403-B., dated the 5th March, 1913.*—In exercise of the powers conferred by sections 2 and 3 of the Wild Birds Protection Act, 1912 (VIII of 1912), as applied to the Cantonments of Mhow, Nimach, Nowgong and Sehore and to the Indore Residency Bazzars and the Civil Lines of Nowgong, the Agent to the Governor General in Central India is pleased to order as follows:—

1. The provisions of the Act shall, besides applying to the birds and animals specified in the schedule to the Act, apply also to sand grouse, egrets, rollers and kingfishers.
2. The close time shall extend from the 1st April to the 30th September.

\* \* \* \* \*

[*Gazette of India*, 1911, Pt. II, p. 459.]

#### CINEMATOGRAPH ACT, 1918.

##### *Rules.*

*No. 1406-B., dated the 28th July, 1921.*—In exercise of the powers conferred upon him by section 8 (1) of the Cinematograph Act, 1918, as applied to the Administered Areas in Central India, the Hon'ble the Agent to the Governor General in Central India is pleased to make, under sub-section (2), clauses (a) and (c) of that section, the following Rules for the regulation of Cinematograph Exhibitions within the said Areas.

These Rules will come into effect on the 1st September, 1921.

##### *Rules.*

I. All applications for licences for cinematograph exhibitions must be made to the District Magistrate and be signed by the proprietor or his duly authorised agent. They must state the form in which the licence

is required, the place in which the exhibition is to be held, the method of illumination for the place and for the apparatus, and the seating accommodation, and be accompanied by the prescribed fee.

II. When electric light is reasonably available for use, no other illuminant shall be used for the purpose of the exhibition. In any case no illuminant other than electric light or limelight shall be used for the cinematograph apparatus.

III. When electric light is used the procedure detailed in Schedule A must be observed, and when limelight is used, the procedure detailed in Schedule B must be observed. In all cases when electricity is the illuminant the installation shall be inspected, before any license is granted, by an officer to be nominated by the Superintending Engineer, who shall receive a fee of Rs. 10 together with the travelling allowance admissible to him under the Civil Service Regulations which will be payable by the licensee.

IV. When in any individual case, any departure from the Rules laid down in Schedule A is desired, a special application must be made to the licensing authority, who, after the installation has been inspected by the Superintending Engineer or his nominee, may approach the Hon'ble the Agent to the Governor General through the Secretary in the Public Works Department for a suspension of any rule in that Schedule.

V. Licenses shall be in Form A and be subject to the conditions endorsed thereon, for exhibitions where the installations are of a permanent nature, and in Form B and be subject to the conditions endorsed thereon, for exhibitions where the installations are located in temporary structures or buildings not specially constructed or adopted for cinematograph exhibitions. The licensing authority may add other conditions, not inconsistent with the Act or these rules, to meet a special case.

VI. Licenses in Form A shall be for the period of not more than one year, those in Form B for not more than one month.

VII. The application fee for a license in Form A shall be ten rupees, and in Form B two rupees. Any application under Rule IV shall bear a license fee of ten rupees. All fees, received under this Rule, shall be paid by chalan into the treasury of the District in which the application is made. The licensing authority shall have power to grant licenses free of fee for performances of a charitable or educational character.

#### SCHEDULE A.

1. *Projector lamps and conductors.*—Cinematograph projector lamps and other arc light projectors shall be kept within a separate enclosure accessible only to authorised persons, and within the enclosure the dielectric of all conductors shall be covered with fire-resisting material.

(2) The circuit to the projector lamps shall be separate from all other circuits and shall be taken from the supply side of the main cut-outs in the general lighting circuit; and efficient switches and cut-outs shall be inserted in the circuit at the point of connection to the supply.

(3) A double pole switch shall be fitted in the projector lamp circuit within the said enclosure, and the pressure across the terminals of the same shall not exceed 110 volts when the lamp is working.

(4) There shall be no unnecessary slack conductors within the enclosure.

(5) The conductors to the projector lamp, unless enclosed within a metal pipe or other fire proof covering shall be kept apart both within and without the enclosure and shall be so run that their course may be readily traced.

2. *Resistances.*—(1) Resistances shall be constructed entirely of fire resisting material, and shall be so constructed and maintained that no coil nor other part shall in any time become unduly heated so as to cause danger.

(2) All resistances, with the exception of a resistance for regulating purposes, shall be placed outside the enclosure and if reasonably practicable outside the auditorium. If inside the auditorium they shall be adequately protected by a wire guard or other efficient means of preventing accidental contact.

(3) Resistances, if not under constant observation, shall be inspected at least once during each performance.

If any fault is detected, current shall immediately be switched off and shall remain switched off until the fault has been remedied.

(4) The operator shall satisfy himself, before the commencement of each performance, that all cables, leads, connections and resistances are in proper working order.

3. *Electric lighting for the auditorium.*—The lights of the auditorium and exits shall be on a separate circuit to that of the lantern or arc light projector and the general lighting of the auditorium shall be capable of control outside and away from the enclosure.

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## SCHEDULE B.

### LIMELIGHT.

1. If limelight is used in the cinematograph lantern, the oxygen and hydrogen gas shall be contained in cylinders and each such cylinder shall be accompanied by a certificate signed by the manufacturers to the effect that it has been tested and filled in conformity with the require-

ments set out below. The tubing shall be of sufficient strength to resist pressure from without and shall be properly connected up.

2. No gas shall be stored or used, except in containers constructed in accordance with the requirements described below.

Cylinder of Compressed Gas (Oxygen, Hydrogen or Coal Gas) (a)  
Lap-welded wrought iron.—Greatest working pressure 120 atmospheres, or 1,800 lbs. per square inch.

Stress due to working pressure not to exceed  $6\frac{1}{2}$  tons per square inch.

Proof pressure in hydraulic test, after annealing 224 atmospheres, or 3,360 lbs. per square inch.

Permanent stretch in hydraulic test not to exceed 10 per cent. of the elastic stretch.

One cylinder in 50 to be subject to a statical bending test, and to stand crushing nearly flat between two rounded knife edges without cracking.

Lap-welded or seamless steel.—Greatest working pressure 120 atmospheres, 1,800 lbs. per square inch.

Stress due to working pressure not to exceed  $7\frac{1}{2}$  tons per square inch, in lap-welded, or 8 tons per square inch in seamless cylinders.

Carbon in steel not to exceed 0.25 per cent. or iron to be less than 99 per cent.

Tenacity of steel not to be less than 26 or more than 33 tons per square inch. Ultimate elongation not less than 1.2 inches in 8 inches. Test-bar to be cut from finished annealed cylinder.

Proof pressure in hydraulic test, after annealing 224 atmospheres, or 3,360 lbs. per square inch.

Permanent stretch shown by water jacket not to exceed 10 per cent. of elastic stretch.

One cylinder in 50 to be subjected to a statical bending test, and to stand crushing nearly flat between rounded knife edges without cracking.

#### REGULATIONS APPLICABLE TO ALL CYLINDERS.

Cylinders to be marked with a rotation number, a manufacturer's or owner's mark and annealing mark with date, a test mark with date. The marks to be permanent and easily visible.

Testing to be repeated at least every two years, and annealing at least every four years.

A record to be kept of all tests.

Cylinders which fail in testing to be destroyed or rendered useless.

Hydrogen and coal gas cylinders to be left handed threads for attaching corrections, and to be painted red.



The compressing apparatus to have two pressure gauges, and an automatic arrangement for preventing overcharging. The compressing apparatus for oxygen to be wholly distinct and unconnected with the compressing apparatus for hydrogen and coal gas.

**Cylinders not to be refilled till they have been emptied.**

If cylinders are sent out unpacked, the valve fittings shall be protected by a steel cap.

A minimum weight to be fixed for each size cylinder in accordance with its required thickness. Cylinders of less weight to be rejected.

**LICENSE IN FORM A.****Fee Rs. 10.**

No.

1. Permission is hereby granted to \_\_\_\_\_ of \_\_\_\_\_ district to give cinematograph exhibitions at \_\_\_\_\_

2. The maximum number of persons who may be admitted to such exhibitions at any one time is as follows:—

1st Class	.	.	.	.	.	.	.	.	.
2nd Class	.	.	.	.	.	.	.	.	.
3rd Class	.	.	.	.	.	.	.	.	.
4th Class (if any)	.	.	.	.	.	.	.	.	.
								<b>TOTAL</b>	<u>          </u>

3. The conditions printed on the reverse of this license must be strictly adhered to; and contravention will be followed by the cancellation of this license, in addition to such other penalties as may be prescribed under the Act.

**4. This license is valid up to the**

**District Magistrate.**

### REVERSE OF THE LICENSE.

*Conditions to be attached to a license issued under sections 4 and 5 of the Cinematograph Act (Act II of 1918).*

**FORM A.**

(For permanent structures.)

1. All buildings or other regulations for observance at places of public amusement imposed by Municipal bye-laws, or by any other law, or by rules under any other law for the time being in force shall be strictly adhered to.

2. No portion of the place licensed shall be occupied or used as a hotel boarding or lodging house, factory, workshop or manufactory or for storage purposes, except as the licensing authority, may for the time being allow, nor shall such premises be used for residential purposes by day or night.

3. No building shall be used for cinematograph or other exhibitions to which the Act applies, unless it be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress. The doors of all such exits shall open outwards and during performances shall not be closed except with "panic bolts", that is to say, bolts which will open automatically on pressure from within.

4. *Overcrowding.*—The seating in the building shall be so arranged as not to interfere with free access to the exit and no more of the public shall at any time be admitted into any part of the place licensed than the number which shall be prescribed in the license for that part. Persons shall not be allowed to stand or sit in any of the intersecting gangways.

5. *Film Storage.*—No greater quantity of film than 120 lbs. shall be kept in any place licensed without a special license from the licensing authority. Such special license shall be issued subject to such conditions as the licensing authority, with the previous sanction of the Agent to the Governor General in Central India, considers necessary and shall specify the quantity of films to be stored, the manner in which they are to be kept, and the particular place or places in which storage is allowed.

6. In any case whether the quantity of films exceeds 120 lbs. or not, all films shall be kept in securely closed, fire-resisting receptacles, which shall not be used for any other purpose, or in separate well-ventilated chambers constructed of fire-resisting materials which shall not be used for any other purpose and shall be kept securely locked.

7. *Fire Precautions.*—In every place licensed shall be kept such number of chemical extinguishers, fire-buckets, hand-pumps or other small fire appliances as the licensing authority shall direct. In every license such specific conditions as appear necessary shall be laid down for the safeguarding of the public in case of fire.

8. *Enclosure for apparatus.*—The cinematograph machine shall be placed in a permanent enclosure of sufficient dimensions to allow the operator to work freely. The enclosure containing the cinematograph machine, in these rules referred to as "the enclosure," shall be substantially constructed of fire-resisting materials or lines with the same.

9. The entrance to the enclosure shall be fitted with a closely fitting self-closing door of fire-resisting material, suitably placed and opening outwards and all openings, bushes, joints shall be so constructed and

maintained as to prevent, so far as possible, the escape of any smoke in the auditorium. If means of ventilation are provided, they shall not be allowed to communicate direct with the auditorium.

10. *Position of enclosure.*—The enclosure shall be placed outside the auditorium and where such premises consists of a structure of a semi-permanent character, the enclosure shall be at a distance of at least 3 feet from such structure. Provided that where the licensing authority is of the opinion that it is impracticable, or, in the circumstances unnecessary for securing safety, that the enclosure shall be outside the building, he may by express words in the license, dispense with that requirement provided that a space of two feet in width at the sides and in front of the enclosure, and a space of six feet at the back in which the door is situated shall be kept clear all round the enclosure.

11. *Openings in the enclosure.*—Openings not exceeding three in number shall be permitted in the front face of the enclosure, the centre one of which must not exceed eight inches square and those at each side six inches square. Each opening shall be fitted with a screen of fire-resisting material capable of being actuated both from the inside and from outside of the enclosure.

12. The necessary pipes and cables shall enter through efficiently bushed openings.

13. *Combustible materials.*—No unnecessary combustible material shall be allowed within the enclosure and all necessary combustible materials, films, etc., when not in use, shall be kept in fire-proof receptacles suitable for the purpose. Only those films which are being used at each exhibition shall be kept in the enclosure during each exhibition.

14. *Smoking, etc.*—No smoking shall at any time be permitted within the enclosure and no match or candle or any other naked light shall be allowed in proximity to the lantern.

15. *Machines.*—The cinematograph machine shall be placed on firm supports of the fire-resisting construction.

16. The body of the cinematograph machine shall be constructed of metal or lined with metal or asbestos, in which case there must be an air space between the metal and the asbestos lining. The bottom of the cinematograph machine must form a metal tray which shall be surrounded by a vertical edge at least one inch in depth.

17. The cinematograph machine shall be provided with a metal shutter which can be readily inserted between the source of light and the film gate.

18. This shutter shall be immediately dropped in the event of any accident to the cinematograph machine or stoppage of the film and shall only be raised when the film is in motion for the purpose of projection.

19. The film gate shall be massive construction and provided with ample heat-radiating surface and the passage for the film shall be sufficiently narrow to prevent flame travelling upwards or downwards from the light opening.

20. All cinematograph machines shall be fitted with two metal film boxes of substantial construction and not more than fourteen inches in diameter, inside measurement, to and from which the films shall be made to travel. Such boxes shall be made to close in a manner which will prevent the ingress of fire and shall be so constructed as to prevent the passage of flame to the interior of the film box.

21. *Spools.*—Spools shall be chain or gear driven and film shall be wound upon spools so that the wound film shall not at any time reach or project beyond the edges of the flanges of the spool.

22. *Films.*—All films when not actually passing through the lantern shall be enclosed in close metal boxes.

23. *Lighting.*—Where electric light is reasonably available for use, no other illuminant shall be used for the purpose of the exhibition. In any case, no illuminant other than electric light or limelight shall be used for the cinematograph apparatus.

24. *Lighting of auditorium.*—Where electric light is used the procedure detailed in Schedule A appended to Rule III of the notification shall be observed and where limelight is used the procedure detailed in Schedule B of that rule shall be observed.

25. *Operators.*—Not less than two, nor more than three, operators shall be engaged in manipulating each lantern, and no other persons shall be within ten feet of the lantern during the exhibition. The whole duty of one of the operators shall consist in taking charge of the films after they have passed through the lantern. The person in charge of the machine shall be a qualified operator approved of by the licensing authority.

26. *Fire precautions in enclosure.*—Two liquid chemical extinguishers, two buckets of sand, two buckets of water and a blanket shall be kept inside the enclosure. A large sponge shall be kept in one of the buckets of water. One liquid chemical extinguisher shall also be kept immediately outside the enclosure.

27. *Precautions.*—The management and the cinematograph operators shall take all due precautions for the prevention of accidents and shall abstain from any act whatever which tends to cause fire and is not reasonably necessary for the purpose of the exhibition; no unauthorised individual shall be allowed in the enclosure.

28. No alteration may be made in the structural lighting or seating arrangements, or in any of the other matters dealt with by the above

rules in the case of the building licensed in this form, without previous reference to the licensing authority.

29. *Certification of films.*—The licensee will not exhibit or permit to be exhibited any film other than a film which has been certified as suitable for public exhibition by the prescribed authority, and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto.

**LICENSE IN FORM B.**

**Fee—Rs. 2.**

No.

Permission is hereby granted to \_\_\_\_\_ of \_\_\_\_\_ district \_\_\_\_\_, to hold cinematograph exhibitions at the times and dates specified below at:—

**Date**

2. The maximum number of persons who may be admitted to such exhibitions at any one time is as follows:—

1st class	.	.	.	.	.	.	.	.
2nd class	.	.	.	.	.	.	.	.
3rd class	.	.	.	.	.	.	.	.
4th class	.	.	.	.	.	.	.	.
TOTAL	<hr/>							

3. The conditions printed on the reverse of this license must be strictly adhered to, any contravention will be followed by the cancellation of this license, in addition to such other penalties as may be prescribed under the Act.

**District Magistrate.**

Conditions to be attached to a license issued under Sections 4 and 5 of  
the Cinematograph Act (Act II of 1918).

FORM B.

(For temporary structures and buildings other than those licensed under Form A.)

1. All building or other regulations for observance at places of public amusement imposed by Municipal bye-laws, or by any other law, or by rules under any other law, for the time being in force shall be strictly adhered to.

2. No building, tent, booth or similar structure shall be used for cinematograph or other exhibitions to which the Act applies, unless it be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress.

3. The seating in the building shall be so arranged as not to interfere with free access to the exits, and persons shall not be allowed to stand or sit in any of the passages leading to the exits.

4. No greater quantity of films than 80 lbs. shall be kept in any place to which this license applies, and all films shall be kept in securely closed fire-resisting receptacles which shall not be used for any other purpose.

5. *Fire precautions.*—In every place licensed shall be kept such number of chemical extinguishers, fire-buckets, hand pumps or other small fire appliances as the licensing authority shall direct. In every license such specific conditions as appear necessary shall be laid down for the safeguarding of the public in case of fire.

6. The cinematograph machine shall be placed in a separate or railed off enclosure of sufficient dimensions to allow the operator to work freely. The minimum space to be so railed off shall be six feet on all sides of the apparatus.

7. *Combustible materials.*—No unnecessary combustible material shall be allowed within the enclosure, and all necessary combustible materials, films, etc., when not in use, shall be kept in the fire-proof receptacles suitable for the purpose. Only those films which are being used at each exhibition shall be kept in the enclosure during each exhibition.

8. *Smoking, etc.*—No smoking shall at any time be permitted within the enclosure, and no match or candle or any other naked light shall be allowed in proximity to the lantern.

9. *Machines.*—The cinematograph machine shall be placed on firm supports of fire-resisting construction.

10. *Films.*—All films when not actually passing through the lantern shall be enclosed in close metal boxes.

11. *Lighting of auditorium.*—Where electric light is used the procedure detailed in Schedule A appended to Rule III of the Notification shall be observed and where limelight is used the procedure detailed in Schedule B of that rule shall be observed.

12. *Operators.*—Not less than two, not more than three, operators shall be engaged in manipulating each lantern, and no other person shall be within ten feet of the lantern during the exhibition. The whole duty of one of the operators shall consist in taking charge of the films after they have passed through the lantern. The person in charge of the machine shall be a qualified operator approved of by the licensing authority.

13. *Fire precautions in enclosure.*—In every case there shall be provided in or close to the enclosure three buckets of water and one blanket. A large sponge shall be kept in one of these buckets. Two liquid chemical extinguishers shall also be kept close at hand.

14. *Precautions.*—The management and the cinematograph operator shall take all precautions for the prevention of accidents and shall abstain from any act whatever which tends to cause fire and is not reasonably necessary for the purpose of the exhibition; no unauthorised individual shall be allowed in the enclosure.

15. No alteration may be made in the structural, lighting or seating arrangements or in any of the other matters dealt with in the above rules in the case of any building licensed in Form A without previous reference to the licensing authority.

16. *Certification of films.*—The licensee will not exhibit, or permit to be exhibited, any film other than a film which has been certified as suitable for public exhibition by the prescribed authority, and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto.

[*Gazette of India*, 1921, Pt. II, p. 986.]

#### INDIAN INCOME-TAX ACT, 1922.

##### *Appointment of Commissioner of Income-tax.*

No. 2321—644-Int., dated the 15th November, 1922.—In exercise of the powers conferred by sub-section (3) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), as applied to the administered areas in Central India, the Governor General in Council is pleased to appoint the Agent to the Governor General in Central India to exercise and perform, within the said areas, the powers and duties conferred by the said Act upon a Commissioner of Income-tax.

[*Gazette of India*, 1922, Pt. I, p. 1342.]

CANTONMENTS (HOUSE ACCOMMODATION) ACT, 1923.

*Act brought into force in Mhow, Nimach and Nowgong from the 1st December, 1902.*

*No. 13627, dated the 21st November, 1902.*—In exercise of the powers conferred upon him by section 3 (1) of the <sup>1</sup>Cantonments (House Accommodation) Act (II of 1902) as applied to the Cantonments of Mhow, Nimach and Nowgong (excluding the Civil Lines of Nowgong) by the <sup>2</sup>notification of the Government of India in the Foreign Department, No. 4965-I. B., dated the 31st October, 1902, the Agent to the Governor General in Central India is pleased to declare that the said Act shall, on and after the 1st December, 1902, be operative in the Cantonments of Mhow, Nimach and Nowgong (excluding the Civil Lines of Nowgong).

[*Gazette of India*, 1902, Pt. II, p. 1278.]

*Excludes certain houses in Mhow from the operation of the Act.*

*No. 968-B., dated the 13th July, 1912.*—Not reprinted.

[*Gazette of India*, 1912, Pt. II, p. 1173.]

*Central India Cantonments (House-Accommodation) Rules, 1924.*

*No. 350-I., dated the 2nd July, 1924.*—In exercise of the powers conferred by section 35 of the Cantonments (House-Accommodation) Act, 1923 (VI of 1923), as applied to the Cantonments of Mhow, Neemuch and Nowgong, the Governor General in Council is pleased to make the following rules to carry out the purposes and objects of the said Act.

*Rules.*

1. *Short title and commencement.*—(1) These rules may be called the Central India Cantonments (House-Accommodation) Rules, 1924.

(2) They shall come into force at once.

2. *Form of notices.*—(1) Every notice prescribed by section 6 or section 7 of the Act shall be in the appropriate form set forth in Schedule A with such variations as the circumstances of each case may require.

(2) The lease referred to in section 7 of the Act shall, as nearly as may be, be executed in the form set forth in Schedule B.

3. *Service of notices.*—Any notice issued under the Act or these rules, if not served by post under section 34 of the Act, may be served by any

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<sup>1</sup> See now the Cantonments (House Accommodation) Act, 1923 (VI of 1923).

<sup>2</sup> See now Notification No. 262-I., dated the 24th April, 1920. Printed *supra*, p. 23.



person authorised by the Commanding Officer of the Cantonment in this behalf:—

- (a) by giving or tendering a duly signed copy thereof to the person to whom it is addressed; or
- (b) where the notice cannot be served in the manner specified in clause (a), by causing it to be affixed to some conspicuous part of the house to which it relates, and by publishing it in one vernacular and one daily English newspaper published within the Command in which the Cantonment is situate.

4. *Petition of appeal.*—Every petition of appeal under section 30 of the Act shall state the grounds of appeal.

5. *Notice of meetings of Committee of Arbitration.*—When a Committee of Arbitration, hereinafter referred to as “the Committee,” has been duly constituted and each of the members thereof informed by the Commanding Officer of the Cantonment of the fact by notice as provided in sub-section (1) of section 24 of the Act, the Chairman of the Committee shall, within a week from the receipt of such notice, fix the time and place of meeting and give notice of the same in writing to the other members of the Committee, and, through the Commanding Officer of the Cantonment, to the parties concerned.

6. *Content of notice.*—The notice given to the parties under rule 5 shall state the purpose for which the Committee will assemble, and shall contain a direction to them to produce their evidence, oral and documentary, on the date fixed, or if they are unable to do so, to forward to the Chairman at least seven days prior to the day of the meeting, a list of the witnesses whom they desire to be summoned in their behalf, either to give evidence or to produce documents relating to the matter in dispute.

7. *Chairman to move District Magistrate for issue of process.*—On receipt of the lists of witnesses and documents, if any, the Chairman shall, if he considers the request made for the attendance of the witnesses named and the production of the documents called for to be reasonable, transmit the list to the District Magistrate for issue of the necessary processes under sub-section (2) of section 24 of the Act. If he considers the attendance of any witness named or the production of any document called for to be unnecessary, he shall inform the party concerned and the question whether such witness shall be summoned or such document called for shall be determined by the Committee at their first meeting.

8. *Power of Chairman to call additional evidence.*—It shall be open to the Chairman to call for the attendance of witnesses or the production of documents other than those named by the parties and to transmit a list of such witnesses and documents to the District Magistrate for issue of the necessary process.

9. *Record of award.*—(1) The Chairman shall record in the award the question for decision, the number of the Station Order convening the Committee, the names and status of the members thereof, and the decision arrived at. The award shall be signed by the Chairman and the members of the Committee, and shall be forwarded by the Chairman in duplicate to the Commanding Officer of the cantonment for disposal.

(2) The dissent of any member from any decision of the Committee of Arbitration with his reasons therefor, shall, if such member so requests, be attached by the Chairman to the Proceedings.

10. *Power to correct mistake.*—The Committee shall have power to correct any clerical mistake or error in its award which may have arisen from any accidental error or omission.

11. *Power of entry and inspection.*—The Committee or any members thereof or any person specially authorised by them in this behalf may enter into or on any building or land, which is the subject of arbitration; and may make such inspection and may cause such expert examination to be made as they think fit.

12. *Content of requisition for reference to Committee.*—Every requisition for reference of any question to a Committee of Arbitration shall set forth the grounds upon which the applicant relies.

13. *Replacement of member dying or becoming unable to act.*—Where any member of the Committee dies or becomes incapable of acting, the officer or owner as the case may be, who nominated him shall nominate another person in his place within seven days from the date on which he is called upon to do so; and if he fails to do so, the District Magistrate shall forthwith appoint a member in his place.

14. *Supply of copy of award.*—The Chairman shall furnish a copy of the award to each of the parties free of charge and shall then forward the original to the Commanding Officer of the cantonment.

15. *Limitations on power of entry, etc.*—Any power of entry, inspection, measurement or survey conferred by the Act or these rules shall be exercised in accordance with the following provisions, namely:—

- (a) such power shall be exercised only between sunrise and sunset;
- (b) in the case of an occupied building or occupied land such power shall not, save with the consent of the occupier, be exercised unless twenty-four hours' notice in writing has been given to the said occupier;
- (c) When in the exercise of such power a building used as a human dwelling is entered, due regard shall be paid to the social and religious sentiments of the occupiers; and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

16. *Penalty for obstruction.*—Whoever obstructs any person, not being a public servant within the meaning of section 21 of the Indian Penal Code, in any entry, inspection, measurement or survey which such person is authorised to make under the Act or these rules shall be punished with fine which may extend to fifty rupees and in the case of a continuing offence with fine which in addition to such fine as aforesaid may extend to five rupees for every day after the first day during which such offence continues.

## SCHEDULE A.

[See Rule 2 (1).]

**FORM I.**

*Notice to owner under sub-section (1) of section 6 of the Cantonments (House-Accommodation) Act, 1923.*

**To**

**WHEREAS I** Commanding Officer of the Cantonment of \_\_\_\_\_ consider that the liability imposed by section 5 of the Cantonments (House-Accommodation) Act, 1923, should be enforced in respect of house No. \_\_\_\_\_ situated at \_\_\_\_\_ within the said cantonment of which house you are the owner:—

This is to require you to permit the said house to be inspected,  
measured and surveyed by \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at A.M.

**A. M.**  
**P. M.**

**(Signed)**

*Commanding Officer of the Cantonment  
of*

**FORM II.**

*Notice to owner under clause (a) [and clause\* (c)] of sub-section (I) of section 7 of the Cantonments (House-Accommodation) Act, 1922.*

**To**

WHEREAS on the report of I, Commanding Officer  
of the Cantonment of am satisfied that house No. .  
situated at within the said cantonment, of which you are the

\* To be omitted where the owner is not required to execute repairs under clause (c) of Section 7 (1).

owner, is suitable for occupation by a military officer or a military mess, and whereas the previous sanction of the Officer Commanding the District has been obtained to the issue of this notice:—

Take notice that you are hereby required to execute on or before the            day of            19            a lease of the said house to the Government for a period of            years:—

And take notice that the amount of the annual rent proposed as reasonable for the said house, (calculated\* on the assumption that you will carry out the repairs hereinafter required) is Rs.            and that unless within a period of fifteen days from the service of this notice you require the matter to be referred to a Committee of Arbitration you will be deemed to have accepted the said rent.

\*(And take notice that you are hereby further required to execute on or before the            day of            19            at a total estimated cost of Rs.            the repairs specified in the annexed list, being in my opinion necessary for the purpose of putting the house into a state of reasonable repair.

List of repairs to be executed.

Nature of repair. Estimated cost.)

(Signed.)

*Commanding Officer of the Cantonment  
of*

### FORM III

*Notice to occupier under clause (b) of sub-section (1) of section 7 of the Cantonments (House-Accommodation) Act, 1923.*

To

WHEREAS on the report of            I,            Commanding Officer of the Cantonment of            am satisfied that house No.            situated at            within the said cantonment, of which you are the existing occupier, is suitable for occupation by a military

\* To be omitted where the owner is not required to execute repairs under clause (c) of Section 7 (1).

officer or a military mess, and whereas the previous sanction of the Officer Commanding the District has been obtained to the issue of this notice:—

Take notice that you are hereby required to vacate the said house  
on or before the                      day of                      19

(Signed.)

*Commanding Officer of the Cantonment  
of*

### SCHEDULE B.

[See Rule 2 (2).]

This indenture made the                      day of  
one thousand nine hundred and twenty                      Between  
of

(hereinafter called the lessor which expression shall where the context so admits include his heirs, representatives and assigns) of the one part and the Secretary of State for India in Council (hereinafter called the lessee which expression shall include his successors in office and assigns) of the other part.

Whereas the lessor is the owner of the premises intended to be hereby demised and whereas the said Commanding Officer has by notice issued under sub-section (I) of section 7 of the Cantonments (House-Accommodation) Act, 1923 (hereinafter called the Act) required the lessee to execute a lease of the premises hereby demised.

Now this indenture witnesseth as follows:—

I. The lessor hereby lets and the lessee takes all that the dwelling house situate in

Road in  
Street

Cantonment which premises contain by admeasurement,

or thereabouts and are delineated and coloured

on the map or plan hereto annexed together with the out-buildings, grounds, garden, trees, fences, hedges, ditches, wells, easements and appurtenances whatsoever to the said dwelling house and premises belonging or usually held or enjoyed therewith for a period of  
years from the                      day of

at the                      rent of Rs.

payable  
being made on

first of such payments

## II. The lessee hereby covenants with the lessor—

- (1) That he will pay the rent hereby reserved at the times aforesaid.
- (2) That he will yield up the said dwelling house on the expiration of this lease in a state of reasonable repair.
- (3) That he will maintain the grounds and the garden (if any) appertaining to the said dwelling house in the condition in which they are at the date of these presents.

In witness whereof the Lessor and

\* by the order and direction of the Governor General in Council acting in the premises for and on behalf of the Secretary of State have hereunto set their hands this day of 19 .

Signed by the above named

in the presence of

Signed by the said\*

by the order and direction of the Governor General of India in Council acting in the premises for and on behalf of the Secretary of State in the presence of

[*Gazette of India*, 1924, Pt. I, p. 617.]

## INDIAN PAPER CURRENCY ACT, 1923.

*Currency notes, other than universal notes, which are legal tender.*

No. 311-I. B., dated the 3rd February, 1921.—In exercise of the powers conferred by section 15 of the Indian Paper Currency Act, 1910 (II of 1910), as applied to the Administered Areas in Central India, and in supersession of the Notification of the Government of India in the Foreign and Political Department, No. 1539-I. B., dated the 18th July, 1912, the Governor-General in Council is pleased to direct that currency notes of the Bombay Circle of Issue as established for the time being under the Indian Paper Currency Act, 1910 (II of 1910), shall be legal tender in all the said areas.

[*Gazette of India*, 1921, Pt. I, p. 217.]

## CANTONMENTS ACT, 1924.

*Infectious or contagious diseases.*

No. 896-B., dated the 12th May, 1924.—In exercise of the powers conferred by section 2, clause (XVII) of the Cantonments Act, 1924 (II

\* Add designation.

of 1924), as applied<sup>1</sup> to the Cantonments of Mhow, Neemuch and Nowgong, the Agent to the Governor General in Central India is pleased to declare the following diseases to be infectious or contagious diseases for the purposes of the said Act, namely:—

Acute Poliomyelitis.	Relapsing fever.
Anthrax.	Epidemic Pneumonia.
Cerebrospinal fever.	Encephalitis Lethargica.

[*Gazette of India*, 1924, Pt. II-A., p. 175.]

*No. 2513-B., dated the 6th December, 1927.*—In exercise of the powers conferred by section 2, clause (XVII) of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonments of Mhow, Neemuch and Nowgong, the Agent to the Governor General in Central India is pleased to declare that in addition to the diseases referred to in Central India Agency Notification No. 896-B., dated the 12th May, 1924, the following diseases shall also be deemed to be infectious or contagious diseases for the purposes of the said Act, namely:—

- |                |                 |
|----------------|-----------------|
| 1. Dysentery.  | 3. Kala Azar.   |
| 2. Erysipelas. | 4. Chicken-pox. |

[*Gazette of India*, 1927, Pt. II, A., p. 552.]

*Schedule of boundaries, Nowgong Cantonment.*

*No. 791-B.; dated the 12th June, 1908.*—As amended by *No. 1153-B., dated the 26th August, 1908.*—Not reprinted.

[*Gazette of India*, 1908, Pt. II, pages 965 and 1589.]

*Exclusion of certain land from Mhow Cantonment.*

*No. 246-I., dated the 19th May, 1924.*—In exercise of the powers conferred by section 3 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonments of Mhow, Neemuch and Nowgong, the Governor General in Council is pleased to alter the limits of the Cantonment of Mhow by excluding therefrom the land specified in the Schedule annexed hereto.

*Schedule.*

The land occupied by the Railway lines, station and sheds within the Railway Boundary pillars 1 to 24.

[*Gazette of India*, 1924, Pt. I, p. 377.]

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<sup>1</sup> See Notification No. 203-I., dated the 24th April, 1929, *supra*, p. 28.

*Exclusion of portion of Mhow Cantonment from the operation of  
Chapter V.*

*No. 1082-B., dated the 4th June, 1924.*—In exercise of the powers conferred by section 9 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonments of Mhow, Neemuch and Nowgong, the Agent to the Governor General in Central India with the previous sanction of the Governor General in Council is pleased to exclude from the operation of Chapter V of the said Act the portion of the Mhow Cantonment described in the Schedule annexed hereto.

*Schedule.*

The land occupied by the railway stores, residential quarters and for other railway purposes included within the following railway boundary pillars:—

*West of railway line.*—Boundary pillars Nos. 6 to 20, 19a, 21, 22, 1, 2, 4, 3, 7, 8, 15, 18, 21, 22, 19, 16, 12, 11, 6, 5, 10, 9, 14, 13, 17, 20.

*East of railway line.*—Boundary pillars Nos. 6 to 20, 2 and 3, but exclusive of railway land occupied by the railway lines, station and sheds within the railway boundary pillars 1—24 specified in the Schedule annexed to the notification by the Government of India in the Foreign and Political Department No. 246-I., dated the 19th May. 1924.

[*Gazette of India*, 1924, Pt. II-A., p. 205.]

*Cantonment Board to be constituted in Mhow Cantonment.*

*No. 330-I., dated the 25th June, 1924.*—In exercise of the power conferred by section 11 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Governor General in Council is pleased to direct that a Cantonment Board shall be constituted, in accordance with the provisions of the said Act, in the Mhow Cantonment.

[*Gazette of India*, 1924, Pt. I, p. 567.]

*Cantonment Board to be constituted in Nimach Cantonment.*

*No. 79-I., dated the 11th February, 1925.*—In exercise of the power conferred by section 11 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Governor General in Council is pleased to direct that a Cantonment Board shall be constituted, in



accordance with the provisions of the said Act, in the Neemuch Cantonment.

[*Gazette of India*, 1925, Pt. I, p. 146.]

*Class representation in the Mhow Cantonment Board.*

No. 2187-B., dated the 13th October, 1924.—In exercise of the powers conferred by sub-sections (a) and (b) of section 31 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to make the following rules regarding the division of the said Cantonment into classes, namely:—

Rules under section 31 (a) and (b) of the Cantonments Act, 1924.

Class representation in the Mhow Cantonment Board.

1. For the purposes of elections to the Cantonment Board the inhabitants of the Mhow Cantonment shall be divided into the following three classes:—

- (1) Hindus,
- (2) Mohammadans.
- (3) General electorate (i.e., Communities other than the Hindu and Mohammadan communities).

2. The number of members to be elected by the classes enumerated in the preceding rule shall be as shown in the schedule given below:—

*Schedule.*

Serial No.	Name of class	Number of members to be elected.
1	Hindocs . . . . .	3
2	Mohammadans . . . . .	2
3	General electorate . . . . .	1
TOTAL .		6

[*Gazette of India*, 1924, Pt. II-A., p. 338.]

*Division of Neemuch Cantonment into Wards.*

No. 48-B./25 (6), dated the 20th July, 1925.—In exercise of the powers conferred by sub-sections (a) and (b) of section 31 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to make

the following rules regarding the division of the said Cantonment into wards, namely:—

*Rules under section 31 (a) and (b) of the Cantonments Act, 1924.*

1. For the purposes of elections to the Cantonment Board, the Cantonment of Neemuch shall be divided into the following four wards:—

No. 1 Ward—

Bounded on North by General Road.

Bounded on South by Firewood Road.

Bounded on East by Mhow Road.

Bounded on West by Mutton Butcher Street and Naik Street.

No. 2 Ward—

Bounded on North by General Road.

Bounded on South by Firewood Road.

Bounded on East by Mutton Butcher Street and Naik Street.

Bounded on West by Kunjra Olly and Bohra Olly.

No. 3 Ward—

Bounded on North by General Road.

Bounded on South by Firewood Road.

Bounded on East by Kunjra Olly and Bohra Olly.

Bounded on West as below:—

From Bazar Boundary Pillar No. 10 following course of Nullah to Bazar Boundary Pillar No. 14. From Bazar Boundary Pillar No. 14 along Main Street to Junction Bazaza Olly Main Street; thence along Bazaza Olly to Junction Bazaza Olly General Road.

No. 4 Ward—

Consists of remainder of Cantonment.

2. Each of the Wards enumerated in the preceding rule shall elect one member to represent it on the Cantonment Board.

[*Gazette of India*, 1925, Pt. II-A., p. 238.]

*Central India Cantonment Electoral Rules.*

No. 2105-B., dated the 2nd October, 1924.—In exercise of the powers conferred by sections 27, 30 and 31 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonments of Mhow, Neemuch and Nowgong, the Agent to the Governor General in Central India is pleased to make the following rules in respect of the matters referred to in the said sections.

1. *Short title, extent and commencement.*—(1) These rules may be called the Central India Cantonment Electoral Rules.

(2) They extend only to Cantonments which have elected boards; and they shall come into force at once.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context—

- (a) “ the Act ” means the Cantonments Act, 1924 (II of 1924), as applied to the Cantonments of Mhow, Neemuch and Nowgong;
- (b) “ corrupt practice ” means any Act deemed to be a corrupt practice under the provisions of sections 171B, 171C and 171D of Chapter IXA of the Indian Penal Code, 1860;
- (c) “ Agent to the Governor General ” means Agent to the Governor General in Central India;
- (d) “ Gazette ” means Part II-A of the Gazette of India.

### *Rules.*

1. *Rule under section 27 (1) (a).*—For the purposes of clause (a) of sub-section (1) of section 27 of the Act, the amount is Rs. 10 per annum.

2. *Rule under sections 27 (1) (b) (i) and 31 (c).*—For the purposes of clause (b) (i) of the aforesaid section and sub-section the “ annual value ” shall be calculated in the manner laid down in section 64 of the Act and shall not be less than Rs. 40.

3. *Rule under section 27 (1) (b) (ii).*—For the purposes of clause (b) (ii) of the aforesaid section and sub-section the annual income derived by a person from a business carried on in the Cantonment shall not be less than Rs. 500 and shall be calculated by subtracting the total annual expenditure incurred upon the business from the total annual income derived from the business. The year taken for the purpose of the calculation may be the calendar year or the year for which the person keeps accounts or any year for which the total expenditure and income can be ascertained.

4. *Rule under section 30.*—For the purpose of determining the qualifications of electors under section 27 of the Act—

- (i) An undivided Hindu family shall be considered as a unit, and if, as such unit, it possesses the qualifications of an elector, the manager of the family, if not disqualified under sub-section (2) of section 27 of the Act, shall be entitled to be enrolled as an elector.
- (ii) Where a company or firm or other association or a body of trustees possesses, as such, the qualifications of an elector, it shall have the right to nominate a representative.

being disqualified under sub-section (2) of section 27 to be enrolled as an elector.

Provided—

- firstly that the manager of the undivided family or the representative so nominated shall not be entitled to be enrolled both in his personal and representative capacity, even if he may be qualified as an elector in his personal capacity, and
- secondly that the enrolment of the manager or the representative so nominated does not debar the enrolment of another member of the family or company, firm, association or body if that other member possesses the qualifications set forth in sub-clause (iii) or (iv) of clause (b) of sub-section (1) of section 27 of the Act.

5. *Rules under section 31 (d).*—(i) Three months prior to the date prescribed under section 16 of the Act, the Secretary, Cantonment Board, shall cause to be prepared in English or in the vernacular or in both an electoral roll for each of the wards or classes into which a Cantonment is divided.

Provided that the Agent to the Governor General may relax this rule in such manner and to such extent as he may deem fit.

(ii) A person shall not be enrolled more than once in the electoral roll or rolls of a Cantonment, notwithstanding that he may possess more than one of the qualifications prescribed by the Act.

(iii) In a Cantonment which is divided into wards:—

- (a) a person who is entitled to enrolment and who resides within the Cantonment shall be enrolled in the electoral roll of the ward in which he resides; and
- (b) a person who is entitled to enrolment and who does not reside within the Cantonment shall be enrolled in the electoral roll of the ward in which he is assessed to the tax or taxes by reason of which he is entitled to enrolment, or if he is assessed to such tax or taxes in more than one ward, he shall be enrolled in the electoral roll of the ward in which his assessment is highest.

(iv) The roll shall show the serial number, name, father's or husband's name, caste, age and residence of the elector and the nature of his or her qualification.

(v) The Secretary, Cantonment Board, shall cause a sufficient number of copies of it to be prepared in such manner as he considers convenient.

(vi) Any person intending to stand as a candidate for election in a ward or class shall be entitled to purchase from the Secretary, Cantonment Board, at a fair price one copy of the roll for that ward or class.

6. As soon as the roll has been prepared the Secretary, Cantonment Board, shall give public notice that the roll has been published and may be inspected at the Cantonment Office and at such other places as the Cantonment Board may decide.

7. (i) To the copies of the roll a notice shall be affixed intimating that any person whose name is not on the roll, and who claims to have it inserted therein and any person whose name is on the roll, and who objects to the inclusion of the name of any person in the roll, may prefer a claim or an objection in the manner and within the time specified below to the President of the Cantonment Board.

(ii) Such claim or objection shall be in writing and shall be delivered or sent by registered post, so as to reach the President of the Cantonment Board within 14 days from the date on which the roll was published. It shall be signed and verified by the claimant or objector in the manner provided for the signing and verification of pleadings in the Code of Civil Procedure, 1908.

(iii) Such claim or objection shall specify the grounds on which the right of any person to be entered in the roll is asserted or denied, the evidence which the petitioner intends to bring, the name and address of the claimant or objector, his number, if any, in the roll and in the case of an objection, the name, address and the number in the roll of the person to whose entry objection is taken.

(iv) A claim or objection not lodged in the manner and within the period herein prescribed or by a person not entitled to lodge the same, shall be rejected.

(v) All claims and objections preferred to and admitted by the President shall be decided by him or under his special order by the Vice-President.

8. (i) On receipt of a claim or objection lodged in the manner herein prescribed, and by a person entitled to lodge such claim or objection, the President or Vice-President of the Cantonment Board, as the case may be, shall fix a date and place for hearing the same, and shall give notice of such date and place to the claimant or objector. Where objection is taken to the entry of the name of any person in the roll a copy of the objection with a notice of the date and place for hearing shall be sent to such person. A copy of the claim or objection stating the date and place fixed for hearing shall be placed on the Cantonment notice board. The notices issued under this sub-rule shall require the parties concerned to produce on the date fixed for hearing any evidence, oral or documentary, on which they rely.

(ii) When any copy or notice is to be sent under clause (1) such copy or notice shall be delivered or sent by registered post to a claimant or objector to the address given in the claim or objection and to the person objected to, to the address given in the roll. A copy or notice so delivered or sent shall be deemed to have been duly served.

(iii) After hearing the evidence, if any, adduced on behalf of the parties and after such further enquiry as he may deem necessary, the President or the Vice-President shall pass an order on the claim or objection and such order shall be final. Claims and objections shall ordinarily be decided within thirty days of the publication of the electoral roll.

(iv) The record of the proceedings shall consist of the claim or objection, a note of the date and place of hearing and of the attendance of parties and witnesses and an order stating as briefly as possible the decision and the grounds therefor.

(v) Appearance by counsel shall not be permitted.

9. The Secretary, Cantonment Board, shall correct the rolls in accordance with such orders, if any, as may have been received under rule 8 and (on or before the date fixed by the President of the Board in this behalf) shall publish not less than two weeks before the date fixed for the election the rolls as amended in manuscript, in the manner prescribed for the publication of original rolls. Rolls not amended need not be published but public notice shall be given of the fact that they have not been amended.

10. *Rules under section 31 (e).*—The date of an election will be notified by the Agent to the Governor General under section 16 of the Act; the hours and places of polling for each ward or class shall be fixed by the President. A public notice setting forth the dates, hours and places so fixed and calling upon the electors to be in attendance shall be given by the Secretary, Cantonment Board, at least 14 days before the date of the election.

*NOTE.*—Under this rule if the Cantonment is divided into wards or classes, there will be a polling station in each ward or for each class in which there will be a poll; if there are both wards and classes, there will be a polling station in each ward for each class in which there will be a poll.

11. The President, Cantonment Board, shall appoint a suitable polling officer to attend on the date of election at the hours fixed for each polling station to conduct the election thereat. The election proceedings shall be supervised by the President or by such officer as he may appoint.

12. (i) The President, Cantonment Board, shall fix the days, hours and place for the receipt of nomination papers by the supervising officer, the latest date being not less than 7 days before the date of the election. A public notice setting forth the days, hours and place so fixed and also the name of the supervising officer shall be given by the Secretary,

Cantonment Board, at least 7 days before the latest date fixed for the receipt of nomination papers.

(ii) If in the case of any ward or class no candidate is nominated by the last day fixed for the receipt of nomination papers, the President, Cantonment Board, may fix a subsequent day not more than fourteen days after the day originally fixed by which nomination papers will be accepted and postpone the polling for that ward or class to such day as may be convenient. A public notice of the days fixed under this rule shall be given in the same manner as of the days originally fixed.

13. (a) An intending candidate for election in a ward or class must be nominated by at least two duly qualified electors in that ward or class. The nomination must be reduced to writing and signed by the proposers and the candidate in the presence of the supervising officer, who, if satisfied that the candidate and his proposers are duly qualified under the Act and the rules made thereunder, shall endorse the nomination paper with his signature with the words "duly nominated" and shall be responsible for sending it to the polling officer so as to reach that officer at least three days before the date fixed for election. The supervising officer shall also furnish a list of candidates to the Secretary, Cantonment Board, at least three days before the election, and the latter shall post copies of such lists at the Cantonment Office and the places fixed as polling stations.

(ii) On the last day fixed for the receipt of nomination papers, the supervising officer shall declare the candidates so nominated duly elected if for each ward or class the number of members nominated does not exceed the number of members to be elected for that ward or class. If it does exceed, the election shall be held in the manner laid down in these rules.

14. A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the supervising officer not less than 4 clear days before the date fixed for election. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

15. During the hours fixed for election, the polling officer shall initial in a copy of the electoral roll against the name of every elector who appears before him and desires to vote. He shall satisfy himself as to the identity of the voter and get his signature or thumb mark in the same roll against his name. The elector shall then be furnished with a voting paper containing the names of duly nominated candidates and signed by the polling officer. The elector shall put a X (cross mark) against the name of every candidate for whom he desires to vote and shall put the voting paper into the box referred to in Rule 17. If the elector is illiterate, the names of the candidates on the voting paper

shall be read out to him and he shall be asked to state the name of every candidate for whom he wishes to vote and the polling officer shall put on the mark for him. The voting shall be made secretly.

16. Every elector shall be entitled to as many votes as there are members to be elected in his ward or class.

17. The polling officer shall be furnished with a box securely locked, the key of which shall remain with the supervising officer. The voting papers delivered under Rule 15 shall be put into it through a slit at the top. At the close of the poll, the box containing the voting papers shall be delivered by the polling officer to the supervising officer, who shall open it and count the votes in the presence of any of the candidates or their agents who may desire to be present. Provided that any votes which have not been recorded in accordance with these rules shall be rejected and the supervising officer shall endorse and sign an order to this effect on the back of the voting paper.

18. The candidate or candidates at the head of the poll shall be declared elected. Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the supervising officer and the candidates or their agents who may desire to be present and in such manner as the supervising officer may determine.

19. The voting papers and the copy of the electoral roll shall, at the conclusion of the election, be sealed by the supervising officer and kept by the President, Cantonment Board, for a period of three months.

20. The result of the election shall be forthwith communicated to the Agent to the Governor General by the President, Cantonment Board, with full particulars regarding each member elected and detailed proposals regarding the nomination of members under section 14 (7) (b) to (e) of the Act. The Agent to the Governor General shall publish the names of all elected members in the Gazette.

21. (1) The elected members shall elect a Vice-President of the Board as required by section (20) (2) of the Act.

(2) The election shall take place at a meeting of the elected members specially convened for the purpose by the President of the Board after giving at least a week's notice. Half the total number of such members shall form a quorum and the members present shall elect the chairman for the day. If there is no quorum the meeting shall be adjourned for three days and the members present at the adjourned meeting shall, after electing a chairman, proceed to transact the business whether there is a quorum or not.

(3) No person's name shall be proposed for election unless he has expressed in writing his willingness to serve as a Vice-President and such



writing has been given to the chairman of the meeting. Every candidate for election must be nominated in writing and the nomination paper must be signed by two members as proposer and seconder.

(4) The chairman shall read out to the meeting the names of the candidates together with those of the proposers and the seconds. If there is only one candidate, he shall be declared duly elected as Vice-President. If the candidates are more than one, the members shall proceed to vote by ballot and the chairman shall declare the person who receives the majority of the votes to be duly elected. Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the chairman and in such manner as he may determine.

(5) As an elected member, the chairman shall also be entitled to vote.

(6) The result of the election shall be forthwith reported by the Chairman to the President of the Board, who shall communicate it to the Agent to the Governor General for publication in the Gazette.

22. *Rules under section 31 (f).*—No election of a Vice-President or a member of a Cantonment Board shall be called in question except by a petition presented in accordance with the provisions of these rules.

23. Such petition may be presented to the District Judge of the Cantonment by any candidate or voter against any elected candidate within 14 days from the date on which the result of the election was notified in the Gazette.

24. (a) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt or illegal practice which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

(b) The petitioner may, if he so desires, in addition to calling in question the election of a returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

25. On the presentation of the petition the petitioner shall give security for such amount and within such time as the District Judge may fix.

26. (X) If the provisions of Rule 22 are not complied with, the District Judge shall dismiss the petition.

(2) Upon compliance with the provisions of Rule 22, the District Judge shall, as soon as may be, cause a copy of the petition to be served on each respondent.

(3) When in respect of any election of a candidate more petitions than one are presented, the District Judge may at his discretion enquire into the petitions either in one or more proceedings as he may think fit.

27. Subject to the other provisions of these rules, every election petition shall be enquired into by the District Judge, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits: provided that it shall only be necessary for the District Judge to make a memorandum of the substance of the evidence of any witness examined by him.

28. (1) No petition shall be withdrawn without the leave of the District Judge.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing the date for the hearing of the application shall be given to all other parties to the petition.

(4) No application for withdrawal shall be granted if the District Judge is of opinion that such application has been induced by any bargain or consideration which he considers ought not to be allowed.

(5) If the application is granted, the petitioner shall be ordered to pay the cost of the respondent theretofore incurred or such portion thereof as the District Judge may think fit.

29. A petition shall abate only on the death of the sole petitioner or of the survivor of several petitioners.

30. Where, at an enquiry into a petition, any candidate other than the elected candidate claims the seat for himself, the elected candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the elected candidate and a petition had been presented complaining of his election.

31. For purposes of enquiring into such petitions the District Judge shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters:—

(a) discovery and inspection;

(b) enforcing the attendance of witnesses and requiring the deposit of their expenses;

(c) compelling the production of documents;

(d) examining witnesses on oath;

(e) granting adjournments;

- (f) reception of evidence taken on affidavit; and
- (g) issuing commissions for the examination of witnesses;

and may summon and examine any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

32. Subject to the provisions of these rules, the provisions of the Evidence Act, 1872, shall be deemed to apply in all respects to an enquiry under these rules.

33. Notwithstanding anything in any law or rules having the force of law to the contrary no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

34. (a) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an enquiry upon the ground that the answer to such question will incriminate or may tend, directly or indirectly, to incriminate him, or that it will expose or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind, provided that—

- (i) no person who had recorded any vote by ballot shall be required to state for whom he has voted, and
- (ii) a witness who in the opinion of the District Judge has answered truly all questions which he has been required by him to answer, shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any court and shall be deemed to be a full and complete defence to or upon any criminal charge arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceeding.

(b) Nothing in sub-rule (a) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

35. Any appearance, application or act before the District Judge may be made or done by the party in person or by a pleader or a recognised agent duly appointed to act on his behalf:

Provided that if the District Judge directs, any such appearance shall be made by the party in person.

36. (1) Save as hereinafter provided in this rule, if in the opinion of the District Judge—

- (a) any corrupt practice has been committed, or

- (b) the result of the election has been materially affected by any irregularity in respect of a nomination or by the improper reception or refusal of a vote or by any non-compliance with the provisions of any rule made under section 31 of the Act,

the election of the candidate shall be void.

(2) If the District Judge finds that any elected candidate has been guilty by an agent of any corrupt practice which does not amount to any form of bribery, other than treating as hereinafter explained, or to the procuring or abetment of personation, and if the candidate has further satisfied him that—

- (a) no corrupt practice was committed at such election by the candidate and the corrupt practices complained of were committed contrary to the orders and without the sanction or connivance of such candidate, and
- (b) such candidate took all reasonable means for preventing the commission of corrupt practices at such election, and
- (c) the corrupt practices complained of were trivial, unimportant and of limited character, and
- (d) in all other respects the election was free from any corrupt practice on the part of such candidate,

then the District Judge may find that the election of such candidate is not void.

*Explanation.*—For the purpose of this sub-rule “treating” means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, or entertainment to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

37. If an election is declared void under Rule 36 the District Judge may either declare that a casual vacancy has been created, or that the petitioner or any other candidate has been duly elected.

38. All casual elections held under section 16 (2) shall be held in the same manner and under the same conditions as an ordinary election.

39. The reasonable expenses incurred by any person attending to give evidence may be allowed by the District Judge to such person and shall, unless the District Judge otherwise directs, be deemed to be part of the costs.

40. (1) Costs shall be in the discretion of the District Judge; who shall have full power to determine by and to whom and to what extent costs are to be paid. The District Judge may allow interest on costs at a rate not exceeding six per cent. per annum, and such interest shall be added to the costs.

(2) The fees payable by a party in respect of the fees of his adversary's pleader shall be such fees as the District Judge may allow.

41. An application for execution of an order relating to costs shall be presented to the District Judge, who shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by himself in a suit.

42. The forms given in the schedule annexed to these rules, with such variations as the circumstances of each case may require, shall be used for the purposes therein mentioned.

### SCHEDULE.

#### FORM OF NOMINATION PAPER.

Cantonment of . Election of  $\frac{\text{a member}}{\text{members}}$  (for the Ward,  
Class) to be held on the day of 192 .

We, the undersigned, being electors enrolled in the electoral roll (for the Ward, Class), hereby nominate son of (occupation) residing in whose name is entered in electoral roll, as a candidate at the above election:—

Serial Number.	Name.	Father's name.	Occupation.	Address.	Number on the electoral roll.
1					
2					
3					
4					
5					

Dated this day of 192 .

*Signature.*

I, the undersigned, being a person qualified for election, hereby assent to being nominated as a candidate at the above election.

Dated the day of 192 .

*Signature.*

**FORM FOR LIST OF NOMINATION.**

Cantonment of \_\_\_\_\_ . List of persons nominated for  
election as members of the \_\_\_\_\_ Cantonment Board,  
192 .

Name.	Description.	Abode.	Occupation.	Ward Class . if any for which nominated.
1	2	3	4	5

**FORM OF VOTING PAPER.**

Cantonment of \_\_\_\_\_ *Voting paper.*

Book No. \_\_\_\_\_ Cantonment of \_\_\_\_\_

Serial No. \_\_\_\_\_ Book No. \_\_\_\_\_

Counterfoil of voting paper. \_\_\_\_\_ Serial No. \_\_\_\_\_

Election for cantonment members

(for the <sup>Ward</sup><sub>Class</sub> of \_\_\_\_\_ ) Election for cantonment members

held on \_\_\_\_\_ 192 . (for the <sup>Ward</sup><sub>Class</sub> of \_\_\_\_\_ )

Number of elector on electoral roll. held on \_\_\_\_\_ 192 .

Serial No.	Name and description of candidate for election.	Column for cross (X) of Voter.
1	A	
2	B	
3	C	
4	D	
5	E	

*Regulations for meetings of Mhow Cantonment Board, conduct of proceedings, etc.*

*No. 328-B., dated the 7th February, 1925.*—The following regulations made by the Cantonment Authority, Mhow, under section 44 (1) of the Cantonments Act, 1924 (II of 1924), as applied to the cantonments of Mhow, Neemuch and Nowgong, having been approved by the Agent to the Governor General in Central India as required by section 44 (2) of the said Act, are hereby published for information.

These regulations will come into force from the date of their publication in the Gazette of India.

*Regulations* providing for the meetings of the Cantonment Board, the conduct of proceedings thereat and the appointment of Committees, etc.

*Under section 44 (1) (a).*

1. An ordinary meeting of the Board shall be held on the <sup>1</sup>[second and last Wednesdays] of every month at the office of the Cantonment Board unless the President by order in writing otherwise directs. Such meetings will be held at 10 A.M. from 1st August to 31st March and at 7 A.M. from 1st April to 31st July.

Special meetings may be held at any time or place that the President may direct.

*Under section 44 (1) (b).*

2. In the case of an ordinary meeting notice shall be given to each of the members at least seven days before the meeting.

3. In case of an emergent or special meeting notice be given not less than twenty-four hours before the meeting.

4. Whenever a requisition is made under section 37 (2) Cantonment Act to hold a special meeting, such meeting shall be convened within four days from the date of the requisition but if the fourth day happens to be a holiday the meeting shall be convened on the next working day.

5. The notice to attend a meeting shall contain the time, the place and the date of the meeting and also a short agenda of the business to be transacted thereat.

6. So far as circumstances admit, the Secretary shall as soon as may be before a meeting circulate to the members such correspondence relating to any business to be transacted at the meeting as the president may consider it desirable that they should have an opportunity of perusing before they meet.

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<sup>1</sup> Substituted by Notification No. 22-B-24 (12), dated the 7th August, 1925. Gazette of India, 1925, Pt. II-a, p. 257.

*Under section 44 (1) (c).*

7. All the business entered on the agenda shall be transacted at the meeting unless the Board decides that any business shall be adjourned to a subsequent meeting.

8. No discussions of a political or religious nature irrelevant to the Mhow Cantonment shall be allowed at any meeting except with the previous consent of the president in writing. The president's ruling on the point shall be final.

9. The proceedings of the Board shall be conducted in English and any member may speak at the request and on behalf of any other member who is unable to express himself in that language.

10. Every member shall speak from his place and shall address none but the presiding authority.

11. A member who wishes to leave a meeting before its close shall immediately before leaving intimate his intention to the presiding authority.

12. On any motion or proposition or on any business whatsoever no member shall except with the permission of the presiding authority be allowed to speak for more than five minutes except the proposer or the mover who will be allowed ten minutes at the time of first moving or proposing.

13. Any member who desires to bring forward at any time any motion or proposition shall give notice of his intention to do so at least fourteen days before the meeting and shall furnish therewith a copy of the motion or proposition duly signed by him as proposer.

14. The presiding authority may require that any particular motion or amendment moved at any meeting shall be seconded before it is discussed.

15. No member shall be entitled to move an amendment other than one directly arising from the discussion of a subject directly before the meeting.

16. If a member who has given notice of a motion is from any cause unable or unwilling to move the same, any other member present may move it.

17. The presiding authority shall have power to divide into two or more distinct propositions any motion or amendment as he may deem necessary.

18. On a motion or amendment being formally moved the presiding authority shall cause it to be read to the meeting and it shall then be considered to be before the meeting for discussion.



19. After a motion or amendment has been read it shall not be withdrawn or altered in substance except by permission of the presiding authority.

20. After a motion has been read any member may propose an amendment thereto. A proposer may accept an amendment put forward in which case the amendment shall become the substantive motion.

21. Every amendment must be relevant to the motion and may propose a variation thereof, an addition thereto or an omission therefrom but no amendment shall be a direct negative of the motion before the Board nor shall it be the same in substance as any amendment already negatived at the same meeting.

22. Any number of amendments may be before the Board at the same time but no member except in the alternative shall propose more than one amendment to the same motion.

23. No member except the proposer, or if the proposer waive his right the seconder if there be one, by way of rejoinder, shall without the permission of the presiding authority speak twice on any motion or amendment except to explain a misunderstanding.

Provided that a member who has already spoken to a motion before the meeting is not thereby debarred from speaking to an amendment on such motion, if he confines himself strictly to the fresh matter introduced by such amendment.

24. A proposal to adjourn a meeting or to postpone the consideration of a question shall take precedence of any other motion before the meeting.

25. On resuming an adjourned debate the member who was addressing the meeting immediately prior to the adjournment shall be entitled to speak first.

26. When the presiding authority is satisfied that a proposition has been sufficiently discussed he may move that votes be taken forthwith without further discussion or amendment.

27. When only one amendment is made to a motion the votes shall be taken on the amendment.

If only one amendment be proposed to any motion before the meeting the amendment shall be put to the meeting first. If more than one amendment be proposed, the last amendment shall be put first the others in the same order the later amendment having priority over the preceding one. If an amendment be carried the original motion or the portion of it affected by such amendment and any other amendment carried shall be deemed as lost. If no amendment is carried the substantive motion shall be put to the meeting.

Provided that the presiding authority shall be at liberty to give preference to any amendment which he deems to be most in favour with the meeting and that any amendment carried unanimously shall then and there be taken as a substantive resolution and be recorded without any further discussion.

Subject to the provisions of sections 49, 52 and 53 of the Act a motion once negatived shall not be put forward again before the expiry of six months.

28. (1) Votes shall ordinarily be taken by show of hands but may on special occasions, if the presiding authority so decide be taken by ballot.

(2) If votes for appointment of committees and officers are taken by ballot, each member present shall have as many votes as there are vacancies to be filled, but no more than one vote for any one candidate.

29. When there is an equality of votes and the presiding authority not having voted refrains from giving his casting vote, the proposition shall be held to be neither passed nor rejected and may be brought forward at any subsequent meeting.

30. If a member so desires the number of votes for and against any proposition or amendment shall be recorded in the minutes.

31. (1) Unless a poll is demanded by any member present at a meeting a declaration made at the meeting by the presiding authority, that a resolution has been passed shall be sufficient warrant for the making of entry to that effect in the minute book kept under section 41 of the Act.

(2) If a poll is demanded by any member present, it shall be taken by a show of hands and the result of such poll shall be deemed to be the resolution of the Board at the meeting.

32. The presiding authority shall preserve order and all points of order shall summarily be decided by him, no discussion thereon being allowed, unless he shall think fit to take the opinion of the members of the meeting thereon. Any such ruling if so desired by any member shall be noted in the minutes of the meeting.

33. Any member at a meeting may at any time submit a point of order to the decision of the presiding authority.

34. A member called to order by the presiding authority shall cease speaking till the decision of the point of order raised.

35. The presiding authority may adjourn any meeting that refuses to obey his ruling on a point of order.

36. Whenever any member disregards the presiding authority or is guilty of obstructive or offensive conduct at any meeting the presiding authority shall in the first instance warn the member and if such warning be disregarded by the member the presiding authority shall have full

power to order the member to quit the meeting. Any member resisting such an order shall be liable to ejection from the meeting.

37. Every member of the Board shall have the right of interpellation which may be exercised subject to the following conditions and restrictions:—

- (1) Every member who desires to put any question concerning the affairs of the Board shall send his question or questions in writing to the Secretary of the Board at least fourteen days before the next ordinary meeting of the Board.
- (2) The questions so received shall be numbered serially by Secretary in the order of their date of receipt and shall be inserted in the agenda of the meeting in the order of their serial number.
- (3) On the receipt of the questions the Secretary shall place them before the President and the President may direct the Secretary of the Board or the President of any Sub-Committee to prepare answers to the questions received.
- (4) Questions must not be vexatious, or argumentative or hypothetical or defatory of any person or section of the community.
- (5) The President may disallow any question which does not conform to sub-rule (4) above, and in any such case the question shall not be entered in the minutes.
- (6) At the next meeting of the Board the Secretary of the Board shall read answers to the questions duly received before the meeting.
- (7) After a reply has been given to any question no debate shall be allowed thereon. Any member who has asked a question may put a supplementary question for the purpose of further elucidating any matter of fact regarding which a request for information has been made in his original question.
- (8) The question and the answer thereto shall form part of the proceedings of the meeting and shall be published along with the proceedings unless the Board otherwise directs in any particular case.

38. The course of business shall unless the President on emergent grounds regulate it otherwise be ordered as follows:—

- (i) The minutes of the last meeting shall be read if not previously circulated.
- (ii) Answers to questions of which due notice has been given shall be read.

- (iii) At the first ordinary meeting in each month the accounts of the past month shall be presented for the consideration and orders of the Board.
- (iv) If the meeting be an adjourned meeting no business shall be transacted other than the business left unfinished at the meeting from which adjournment took place, but nothing in this rule shall be deemed to prevent an adjournment meeting taking place on the same day as any other meeting.
- (v) Official communications and publications which directly affect the Board shall be read.
- (vi) Reports of Committees and members shall be taken into consideration and orders passed where necessary.
- (vii) Motions and propositions of which notice has been given in the manner prescribed shall be discussed and voted upon.
- (viii) All applications received by the Executive Officer since the last ordinary meeting requiring the consideration of the Board shall be disposed of.
- (ix) Any other business of an urgent nature which the presiding authority thinks fit to put before the meeting shall be transacted.
- (x) All other business.

39. (a) To avoid emergent meetings being called unnecessarily the President may direct the Executive Officer to circulate a proposal requiring early action to all members for their approval or otherwise. Provided that if three members so desire the proposal shall be laid before an emergent meeting.

(b) If a majority approve of the proposal and no emergent meeting is demanded the Executive Officer is empowered to take action as necessary.

(c) All such circulars shall be placed before the Board at the next ordinary meeting for final approval or further orders if necessary.

(d) All such circulars shall be incorporated in the minutes of the meeting.

*Under section 44 (1) (d).*

40. The seal of the Board shall be kept by the Executive Officer under lock and key.

41 The seal will be used for all contracts made for or on behalf of the Board the value of which exceeds fifty rupees or for such other purpose as the Board may specially direct.

[*Gazette of India*, 1925, Pt. II-A, p. 65.]

*Regulations for the appointment of Committees, their constitution, etc.,  
in Mhow Cantonment.*

*No. 245-B., dated the 5th May, 1926.*—The following regulations made by the Cantonment Authority, Mhow, under section 44, sub-section (1), clause (e) of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, having been approved by the Agent to the Governor General as required by sub-section (2) of the said section are hereby published for information.

The Central India Agency Notification No. 328, dated the 7th February, 1925, as subsequently amended, so far as it relates to regulations made under section 44, sub-section (1), clause (e) of the said Act is hereby cancelled.

Regulations providing for the appointment of committees and their constitution, etc.

*Under section 44 (1) (e).*

I. There shall be appointed four Committees:—

- (a) The Finance Committee consisting of three members.
- (b) The Buildings, Health and Sanitation Committee consisting of the Health Officer, the Executive Engineer, and two members from among the elected members of the Board.
- (c) The Public Works and Stores Committee consisting of the Executive Engineer and two other members.
- (d) The Education Committee consisting of four members representing as far as possible all interests.

The quorum for each committee shall be two members.

2. (1) The members of each Committee other than *ex officio* members shall be appointed by election at the first meeting of the Board every year in the month of April.

(2) Any member of a Committee who ceases to be a member of the Board thereby ceases to be a member of any Committee and the Board shall select a successor at the next ordinary meeting.

3. Committees shall perform the duties and exercise the powers as mentioned hereinafter.

4. (1) Each Committee shall elect its own chairman and determine the frequency and time of meetings. There shall be no undue delay in the disposal of business.

(2) The method of deciding questions coming before the meeting of every Committee shall be the same as that laid down in sub-sections (1) and (2) of section 43 of the Act.

5. All business transacted at a meeting shall be recorded in a Minute Book to be signed by all members present at a Meeting.

6. The Executive Officer shall act as Secretary of each of the Committees.

7. Only such recommendations of Committees shall be placed before the Board as are final and require its sanction.

8. All decisions of Committees shall be subject to revision by the Board.

*Finance Committee, its duties and powers.*

9. The duties of the Committee shall be as follows:—

- (1) To prepare the annual budget in accordance with the directions contained in the Central India Cantonment Account Code, 1925.
- (2) To scrutinise the monthly accounts and report on them to the Board.
- (3) To keep a watch over the invested funds of the Board.
- (4) To see that the requirements of the Central India Account Code, 1925, and the Cantonment Fund servants and Provident Fund rules are complied with.
- (5) To deal with all matters including contracts and applications affecting collection and expenditure of Revenue.
- (6) To deal with matters relating to pay and promotion of all Cantonment Fund servants except those employed in the Education Branch.
- (7) On complaint or report made, to enquire into the conduct of such Cantonment Fund servants as are employed in the accounts, Revenue Collection and General Administration branches and are in receipt of a monthly salary exceeding twenty five rupees and make recommendations, if any, for punishment to the Board.

10. The Committee shall have the power to act under the following sections of the Act:—

- (a) Section 75 remit or refund tax not exceeding 25.
- (b) Sections 76, 77, 82 (3), 100, 210 and 191.

*Buildings, Health and Sanitation Committee.*

11. The duties of the Committee shall be as follows:—

- (1) To examine and report on all applications for new sites and to see that the provisions of the Cantonment Land Administration rules are carried out, so far as they concern the Cantonment Authority.

- (2) To examine and report on all applications under section 179 of the Act.
- (3) To see that the Buildings Bye-laws and directions are complied with.
- (4) To exercise general supervision over the Hospital, Health and Sanitation Departments and deal generally with matters pertaining thereto.
- (5) To prepare detailed annual budget of the Hospital and Conservancy Departments.
- (6) On complaint or report made, to enquire into the conduct of such Cantonment Fund servants as are employed in the Buildings, Hospital and Conservancy Departments and are in receipt of a monthly salary exceeding twenty five rupees and make recommendations for punishment, if any, to the Board.

12. The Committee shall exercise powers under the following sections of the Act:—

- (1) Sections 68, 126 131 (1), 135, 137, 140, 143, 161, 189, 194 (2), and (3) and 195.
- (2) Stop work under section 185.
- (3) Suspension of licences under section 269 of the Act for a definite period after hearing the person concerned.

*Public Works and Stores Committee.*

13. The duties of the Committee shall be as follows:—

- (1) To exercise general supervision over the Engineering Stores, Lighting and Water Works Departments.
- (2) To carry out all works which are budgetted for unless the Board otherwise directs and shall inform the Board of the completion of such work.
- (3) To take all necessary steps to fulfil the requirements of the Central India Cantonment Account Code, 1925, so far as the above mentioned Departments are concerned.
- (4) To prepare and submit detailed annual budgets for the Departments under it.
- (5) Generally to deal with all matters including petitions and contracts concerning these departments and report on them to the Board.

- (6) To enquire into the conduct of such Cantonment Fund servants as are employed in the departments under it and are in receipt of a monthly salary exceeding twenty five rupees and make recommendations for punishment, if any, to the Board.

14. The Committee shall exercise such powers as it may be invested with in the agreements relating to contracts.

*Education Committee.*

15. The duties and powers of the Committee shall be those laid down in the Central India Education Code.

[*Gazette of India*, 1926, Pt. II-A., p. 176.]

*Imposition of tax on motor vehicles in Mhow Cantonment.*

No. 162-B-25 (4), dated the 21st December, 1925.—In exercise of the powers conferred by section 60 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to impose the following tax in the said Cantonment:—

*Description of the tax.*

A tax on all motor vehicles kept for use within the limits of the Mhow Cantonment at the following rates:—

Motor cars intended to and licensed to carry up to 6 persons, Rs. 20 per annum.

Motor vehicles intended to and licensed to carry more than 6 persons or to carry goods, Rs. 40 per annum.

Motor cycles with or without side cars, Rs. 5 per annum.

[*Gazette of India*, 1926, Pt. II-A., p. 4.]

*Imposition of property tax in Mhow Cantonment.*

No. 685-B., dated the 30th March, 1927.—In exercise of the powers conferred by section 60 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, and in supersession of the Central India Agency Notification No. 54-B., dated the 22nd January, 1915, so far as it relates to the imposition of the property tax in the Mhow Cantonment, the Hon'ble the Agent to the Governor General in Central India has been pleased to impose the following tax in the said Cantonment.



DESCRIPTION OF TAX.

A tax on property as specified in the Schedule hereto annexed:—

*Schedule.*

Rate of tax.	Area of application.	Exemptions and provisos.
10 per cent. on the annual value of houses, buildings and lands.	Outside the limits of the Bazars.	Buildings used as Soldiers Homes or Institutes from which no income is derived and which are recognized as such by the Officer Commanding the Division <sup>2</sup> [and agricultural lands and lands held on written lease from the Cantonment Authority or the Secretary of State for India in Council.]
7 per cent. on the annual value of houses, buildings and lands.	Within the limits of the Bazars.	

[*Gazette of India*, 1927, Pt. II-A., p. 189.]

*Imposition of dog tax in Mhow Cantonment.*

No. 680-B., dated the 30th March, 1927.—In exercise of the powers conferred by section 60 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, and in supersession of the Central India Agency Notification No. 54-B., dated the 22nd January, 1915; so far as it relates to the imposition of the dog tax in the Mhow Cantonment the Hon'ble the Agent to the Governor General in Central India has been pleased to impose the following tax in the said Cantonment.

DESCRIPTION OF TAX.

A tax on dogs as specified in the Schedule hereto annexed:—

*Schedule.*

Rates of tax . . . . .	Exemption and Provisos.
Re. 1, for each dog kept within the limits of the Cantonment for more than one month in any financial year. Provided that in the case of a person keeping more than one dog the rates shall be as follows:	Puppies under six months.
For two dogs Re. 1-8, each.	
For three dogs Rs. 2, each.	
For every extra dog in excess of three Rs. 6, each.	
<sup>2</sup> [Provided also that the above rates do not apply to the dogs kept by the Mhow Hunt, the tax for which shall be a fixed annual sum of Rs. 5.]	

[*Gazette of India*, 1927, Pt. II-A., p. 189.]

<sup>1</sup> Added by Notification No. 865-B., dated the 5th April, 1929. *Gazette of India*, 1929, Pt. II-A., p. 153.

<sup>2</sup> Substituted by Notification No. 197-B., dated the 3rd February, 1928. *Gazette of India*, 1928, Pt. II-A., p. 83.

*Imposition of octroi duty in Mhow Cantonment.*

*No. 1694-B., dated the 25th August, 1927.*—In exercise of the powers conferred by section 60 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow and in supersession of the Central India Agency Notification No. 54-B., dated the 22nd January, 1915, so far as it relates to the Mhow Cantonment, the Hon'ble the Agent to the Governor (General has been pleased to impose the following tax in the said Cantonment.

*Description of tax.*

An octroi duty on commodities specified in the Schedule hereto annexed and imported for consumption, sale or use within the Cantonment at the rates entered in the said Schedule.

Provided that the following articles shall not be taxed, namely:—

1. Plant for generating electricity.
2. Agricultural implements.
3. Motor cars and Motor cycles.
4. Head loads of firewood, grass or green vegetables.
5. Cowdung cakes.
6. *Bond fide* personal luggage of travellers.
- <sup>1</sup>[7. Articles which have been in the personal use of the importer at the time of the import.]
8. Salt, opium and kerosine oil (including petroleum).
9. Exciseable liquor and drugs liable to excise duty.
10. Gold and silver jewellery intended for human wear.
11. Gold and silver bullion.
12. Coin.
13. Cinema films.
14. Books and Newspapers.
15. Goods taken out of the Cantonment under a special exit pass issued by the Executive Officer and brought back within three months of the date of export.
16. Goods on which Octroi leviable would be less than one pie.
17. Articles imported through the post.
18. All articles the property of Government or of the Cantonment Authority at the time of import.
- <sup>2</sup>19. Machinery and plant required for the liquor warehouse and crown corks used at the warehouse for bottling spirit.
- <sup>3</sup>20. Goods the property of the Red Cross Society.

<sup>1</sup> Substituted by Notification No. 803-B., dated the 5th April, 1929. *Gazette of India, 1929, Pt. II-A, p. 153.*

<sup>2</sup> Added by Notification No. 195-B., dated the 3rd February, 1928. *Gazette of India, 1928, Pt. II-A, p. 38.*

<sup>3</sup> Added by Notification No. 196-B., dated the 3rd February, 1928. *Gazette of India, 1928, Pt. II-A, p. 38.*

SCHEDULE.

*Rates of Octroi Duty.*

No.	ARTICLE.	Per ma'nd unless otherwise stated.	<i>Ad valorem</i> per cent.
<i>Articles of food and drink.</i>			
1	Butter . . . . .	...	1 9 0
2	Dried fruits . . . . .	1 0 0	...
3	Ghi . . . . .	0 13 4	...
4	Sugar . . . . .	0 8 0	...
5	Cocoanut with shell . . . . .	0 3 0	...
6	„ without shell . . . . .	0 6 0	...
7	Kharak . . . . .	0 6 0	...
8	Pind Khajur . . . . .	0 4 0	...
9	Mumfali (ground nuts) with or without shell . . . . .	0 3 4	...
10	Rice . . . . .	0 2 0	...
11	Potatoes, Rataloo, Pindaloo . . . . .	0 2 0	...
12	Gram . . . . .	0 1 3	...
13	Gur and Guria sugar . . . . .	0 1 3	...
14	Wheat and flour of sorts . . . . .	0 1 0	...
15	Fresh fruits, vegetables, onions and green chillies . . . . .	0 1 0	...
16	Amchur of sorts . . . . .	0 1 0	...
17	Parched rice and other grains . . . . .	0 1 0	...
18	Grains, all sorts including dals . . . . .	0 0 9	...
19	Sugarcane . . . . .	0 0 6	...
20	Bhuttn . . . . .	0 0 3	...

*Animals for slaughter, etc.*

21	Pigs . . . . .	...	1 9 0
22	Fowls, chickens and eggs . . . . .	...	1 9 0
23	Buffalo . . . . .	each 0 4 0	...
24	Bullock or cow . . . . .	„ 0 3 0	...
25	Calf or heifer . . . . .	„ 0 1 0	...
26	Sheep or goat . . . . .	„ 0 0 6	...
27	Kid or lamb . . . . .	„ 0 0 3	...

*Building materials.*

28	Shisham, sal and other valuable wood . . . . .	...	3 2 0
29	Marble stone . . . . .	...	1 9 0
30	Lime, lime kankar and stone . . . . .	...	1 9 0
31	Teak, Bombay per cubic ft. . . . .	0 1 0	...
32	Babul Timber per cubic ft. . . . .	0 0 3	...
33	Ballis Teak per cart . . . . .	0 6 0	...

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Orders under Acts locally applied.)

No.	ARTICLE	Per maund unless otherwise stated.	Ad valorem per cent.
<i>Building materials—contd.</i>			
34	Ballis arkot per cart . . . .	0 4 0	...
35	Stone slabs (Neemuch or Panna) per cart . . . .	0 2 0	...
36	Stone per cart . . . .	0 1 0	...
37	Bamboo per 1,000 . . . .	0 5 0	...
38	Burnt bricks per 1,000 . . . .	0 4 0	...
39	Tiles per 1,000 . . . .	0 1 6	...
40	Thatching grass . . . .	0 0 3	...
<i>Tobacco.</i>			
41	Tobacco of all sorts, Indian or Foreign, including cigars and cigarettes . . . .	...	8 2 0
<i>Cloth and textile fabrics.</i>			
42	Cotton piece-goods of all sorts . . . .	...	2 1 4
43	Gotn, false . . . .	...	1 9 0
44	Gunny bags . . . .	...	1 0 8
<i>Miscellaneous.</i>			
45	Copper and brass utensils, old . . . .	...	2 1 4
46	Iron, old . . . .	...	1 9 0
47	Soap . . . .	...	1 9 0
48	Saltpetre . . . .	...	1 9 0
49	Betel leaves . . . .	0 10 0	...
50	Oils used for lighting or food purposes . . . .	0 8 0	...
51	Betel nuts . . . .	0 6 8	...
52	Oil seeds . . . .	0 2 0	...
53	Khar, Matti . . . .	0 2 0	...
54	Oil cake . . . .	0 1 0	...
55	Linseed . . . .	0 0 6	...
56	Linseed oil, boiled . . . .	0 4 0	...
57	Cotton seed . . . .	0 0 6	...
58	Bran . . . .	0 0 6	...
59	Raw hide, cow or buffalo . . . .	each 0 0 3	...
60	Raw hide, sheep or goat . . . .	„ 0 0 1	...
61	Dry grass and karbi . . . .	0 0 3	...
62	Charcoal, coke and coal . . . .	0 0 3	...
63	Firewood . . . .	0 0 2	...
<i>General.</i>			
64	Articles not specifically provided for in the schedule . . . .	...	8 2 0

*Taxes in Mhow, Nimach and Nowgong.*

<sup>1</sup>No. 54-B, dated the 22nd January, 1915.—In exercise of the powers conferred by section 15, sub-section (1) of the Cantonments Act, 1910 (XV of 1910)<sup>2</sup>, as applied to the Cantonments of Mhow, Nimach and Nowgong, the Agent to the Governor General in Central India is pleased, with the previous sanction of the Governor General in Council, to impose in the said Cantonments respectively the taxes specified in the first, second, third and fourth schedules hereto annexed.

2. The notifications mentioned in the fifth schedule hereto annexed are hereby cancelled.

FIRST SCHEDULE.

Nature of tax.	Rates of tax.	Area of application.	Exemptions and provisos.
<b>PROPERTY RATES.</b>  (1) General rate.	10 per cent. on the rateable value of houses, buildings and lands.	The Cantonments of Mhow and Nowgong outside the limits of the Bazars.	The following are exempt from the general rate, viz. :— (a) Property occupied by Government. (b) Buildings used exclusively as a place of worship. (c) Serais. (d) Dispensaries or hospitals maintained for the purpose of giving relief to indigent persons.
	7 per cent. on the rateable value of houses, buildings and lands.	The Cantonments of Mhow and Nowgong within the limits of the Bazars.	(e) Buildings used as a school, if such school is recognized by the local educational authorities and is not conducted for private profit.

<sup>2</sup> This notification has been superseded entirely so far as it relates to Mhow Cantonment by Notifications Nos. 685-B., and 680-B., dated the 30th March, 1927 (pp. 228 and 229 *supra*) and 1694-B., dated the 25th August, 1927 (p. 230 *supra*).

<sup>3</sup> See now the Cantonments Act, 1924, as applied by Notification No. 262-L., dated the 24th April, 1929, *supra*, p. 23.

FIRST SCHEDULE—*concl'd.*

Nature of tax.	Rates of tax.	Area of application.	Exemptions and provisos.
PROPERTY RATES.  (1) General rate.	4½ per cent. on the rateable value of houses, buildings and lands.	The Cantonment of Nimach	1[(f) Buildings used as soldiers' homes or insti- tutes and recog- nised as such by the Officer Com- manding the Division.] The Cantonment Magistrate will cause the conser- vancy establish- ment to under- take for all houses, buildings and premises liable to the tax within the limits of the Bazars, the duties usually performed by sweepers.
* * * * *	* * * * *	* * * * *	* * * * *
* [Tax on Dogs .	Re. 1 for each dog kept within the limits of the Cantonment for more than one month in any financial year. Pro- vided that in the case of a person keeping more than one dog the rates shall be as follows :—  For two dogs, Rs. 1-8-0 each. For three dogs, Rs. 2 each. For every extra dog in ex- cess of three, Rs. 6 each.	The Cantonments of Mhow, Nimach and Nowgong.	Dogs borne on the registers referred to in section 68, sub- section (3), clause (a), of the Canton- ment Code, 1912, as locally applied, are exempt from the tax.]

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4SECOND SCHEDULE.

\* Added by Notification No. 5307-B., dated the 19th November, 1917. *Gazette of India*, 1917, Pt. II, p. 2382.

\* This entry (water-tax) has not been printed as it related to Mhow Cantonment only.

\* Substituted by Notification No. 706-B., dated the 17th May, 1918. *Gazette of India*, 1918, Pt. II, p. 871.

\* Not printed, as it related to Mhow Cantonment only.

THIRD SCHEDULE.

Nature of tax.	RATES OF TAX.			Exemptions.
	On	Per maund unless otherwise stated.	Per cent. ad valorem.	
	<i>I.—Articles of Food and Drink.</i>	Rs. A. P.	Rs. A. P.	
Ootroi duty on articles imported into the Cantonment of Nimach for consumption, sale or use within the Cantonment.	1 Almonds . . . . .	1 0 0	3 2 0	The following articles are exempt from Ootroi duty, viz. :— (1) Machinery. (2) Agricultural implements. (3) Head loads of fire-wood, grass or vegetables. 1 [ (4) Fodder and grain for the exclusive and direct use of any Indian Silladar Cavalry Regiment :— Provided that if any fodder or grain so brought into the Cantonment is sold to persons outside the regiment for any purpose, or to persons within the regiment for purposes other than the feeding of such animals as are maintained under the "Silladar" system, i.e., those animals on whose account compensation for dearthness of forage is admissible under rule, the Commanding Officer of the regiment shall furnish, on the 1st day of each month, to the Cantonment Authority, a certificate of the amounts so sold.
	2 Alubukhara . . . . .	1 0 0	4 11 0	
	3 Bedana . . . . .	1 0 0	1 9 0	
	4 Betel leaves . . . . .	0 12 0	4 11 0	
	5 Betel-nuts . . . . .	0 12 0	4 11 0	
	6 Chillies, green . . . . .	0 1 0	4 11 0	
	7 Cocoanut (without shell). . . . .	0 6 0	3 2 0	
	8 Cocoanuts (with shell) . . . . .	0 3 0	1 9 0	
	9 Cocum amchoor . . . . .	1 0 0	4 11 0	
	10 Coffee . . . . .	0 12 0	4 11 0	
	11 Cotton seeds . . . . .	0 0 6	1 9 0	
	12 Dried dates and kharika, of sorts. . . . .	0 8 0	4 11 0	
	13 Dried and fresh fruit, of sorts. . . . .	0 1 0	4 11 0	
	14 Garlic . . . . .	0 1 0	4 11 0	
	15 Ghee . . . . .	0 9 0	1 9 0	
	16 Ginger, green . . . . .	0 4 0	1 9 0	
	17 Grain of all sorts, not specified in the Schedule. . . . .	0 0 6	1 9 0	
	18 Gram . . . . .	0 1 0	3 2 0	
	19 Grass, dry . . . . .	0 0 3	3 2 0	
	20 Grass, green . . . . .	0 0 1	1 9 0	
	21 Gulal . . . . .	0 8 0	4 11 0	
	22 Gur . . . . .	0 2 0	3 2 0	
	23 Haldi (turmeric) . . . . .	0 2 0	3 2 0	
	24 Honey . . . . .	0 10 0	4 11 0	
	25 Indian corn (bhutta) . . . . .	0 0 6	3 2 0	
	26 Kaju nuts . . . . .	1 0 0	4 11 0	
	27 Kirbis . . . . .	0 0 3	1 9 0	
	28 Methis . . . . .	0 3 0	4 11 0	
	29 Mango chip . . . . .	0 3 0	4 11 0	
	30 Do. fruits . . . . .	0 1 0	4 11 0	
	31 Mungphali . . . . .	0 4 0	4 11 0	
	32 Oil-cake . . . . .	0 1 0	3 2 0	
	33 Onions . . . . .	0 1 0	4 11 0	
	34 Pindkhajur . . . . .	0 4 0	4 11 0	
	35 Rice, Randol . . . . .	0 3 0	3 2 0	
	36 Do. Dhuja . . . . .	0 1 0	1 9 0	
	37 Singhara, dry . . . . .	0 4 0	4 11 0	
	38 Do. wet . . . . .	0 2 0	4 11 0	
	39 Sugar . . . . .	0 6 0	3 12 0	
	40 Sugar candy . . . . .	0 6 0	3 12 0	
	41 Sugarcane . . . . .	0 1 0	4 11 0	

<sup>1</sup> Substituted by Notification No. 1854-B., dated the 17th September, 1915. Gazette of India, 1915, Pt. II, p. 2197.

THIRD SCHEDULE—*contd.*

Nature of tax.	RATES OF TAX.			Exemptions.
	On	Per maund unless otherwise stated.	Per cent. <i>ad</i> <i>valorem</i> .	
		Rs. A. P.	Rs. A. P.	
	<i>V.—Drugs, Gums, Spices and Perfumes —contd.</i>			
Octroi duty on articles imported into the canton- ment of Nimach for consumption, sale or use within the Cantonment.	25 Muslin, white . . .	2 8 0	3 2 0	
	26 Nagarmotha . . .	0 8 0	3 2 0	
	27 Naspah . . .	0 8 0	3 2 0	
	28 Nutmeg . . .	1 14 0	3 2 0	
	29 Oils, perfumed . . .	..	3 2 0	
	30 Pepper, black . . .	1 2 0	4 11 0	
	31 Poppy seed . . .	0 2 0	3 2 0	
	32 Saffron . . .	..	3 2 0	
	33 Shahjira . . .	1 2 9	4 11 0	
	34 Selam Miar . . .	5 0 0	4 11 0	
	35 Sanohor . . .	0 3 0	3 2 0	
	36 Sandal, chips . . .	0 2 0	3 2 0	
	37 Do., wood . . .	0 8 0	4 11 0	
	38 Sohaga . . .	0 8 0	3 2 0	
	39 Sulphur . . .	0 6 0	4 11 0	
	40 Sonamuki . . .	0 8 0	3 2 0	
	41 Sattawan . . .	1 0 0	4 11 0	
	42 Ujwain . . .	0 2 0	1 9 0	
	43 Unab Jujube . . .	1 0 0	4 11 0	
	44 Uplate . . .	0 7 6	4 11 0	
	<i>VI.—Tobacco.</i>			
	1 Tobacco (Goorakhoo)	1 0 0	3 2 0	
	2 Joori . . .	0 8 0	3 2 0	
	3 Yellow (Sookha) . . .	0 4 0	3 2 0	
	4 Tobacco stick . . .	0 2 0	3 2 0	
	5 Do. English . . .	2 0 0	3 2 0	
	<i>VII.—P i c c e-goods and other textile fabrics and manu- factured articles of clothing.</i>			
	1 Bags, empty, new . . .	..	1 9 0	
	2 Cotton piece-goods of all manufacture. . .	..	1 9 0	
	3 Gots, false . . .	..	1 9 0	
	4 Gots, Khara . . .	..	1 9 0	
	5 Tatpatel . . .	..	1 9 0	
	6 Woollen and silken goods. . .	..	1 9 0	

<sup>1</sup> Substituted and renumbered by Notification No. 1410, dated the 17th July, 1922. *Gazette of India*, 1922, Pt. II, p. 242.



THIRD SCHEDULE—concl'd.

Nature of tax.	RATES OF TAX.			Exemptions.
	(On	Per maund unless otherwise stated.	Per cent. ad valorem.	
		Rs. A. P.	Rs. A. P.	
Octroi duty on articles imported into the Canton- ment of Nimach for consumption, sale or use within the Cantonment.	<i>VIII.—Metals and Articles of Metal.</i>			
	1 Articles made of iron	0 4 0	4 11 0	
	2 Copper and brass utensils, new.	1 0 0	3 2 0	
	3 Copper and brass utensils, old.	0 8 0	1 9 0	
	4 Iron, new . . .	..	1 0 0	
	4-A Iron, old. . .	..	0 12 6	
	5 Steel and articles made of steel.	0 4 0	4 11 0	
	<i>IX.—Miscellaneous.</i>			
	1 Bangles, country .	0 12 0	4 11 0	
	2 Bees' wax . . .	0 10 0	4 11 0	
	3 Cane . . . . .	0 4 0	3 2 0	
	4 Cotton, cleaned .	0 12 0	4 11 0	
	5 Do. with seed .	0 2 6	3 2 0	
	6 Gunpowder, country	0 12 0	5 8 0	
	7 Hempen rope . .	0 2 0	1 9 0	
	8 Hides, raw (cow) .	0 2 0	1 9 0	
	9 Do., tanned (cow)	0 4 0	3 2 0	
	10 Do., raw (sheep) .	0 6 0	3 2 0	
	11 Do., tanned (sheep)	0 2 0	4 11 0	
	12 Indigo * . . .	5 0 0	..	
	13 Ivory * per seer .	0 4 0	..	
	14 Khata, Kurumba .	1 1 0	4 11 0	
	15 Linseed . . . .	0 8 0	4 11 0	
	16 Linseed oil (boiled)	0 6 0	3 12 0	
	17 Meftta . . . .	0 8 0	4 11 0	
	18 Mahndi . . . .	0 5 0	4 11 0	
	19 Munga, khara . .	..	3 2 0	
	20 Do. khota . . .	..	1 9 0	
	21 Oil seeds . . .	0 2 0	3 2 0	
	22 Parsees' and Bohras' goods and stores, not heretofore specified, and furni- ture of all descrip- tions.	..	1 9 0	
	23 Patang * . . .	..	..	
	24 Shoes, country and English.	..	3 2 0	
	25 Tape, cotton . .	1 0 0	3 2 0	
	26 Twine, of sorts .	0 4 0	3 2 0	

Not Imported.

<sup>1</sup>FOURTH SCHEDULE.

Nature of tax.	RATES OF TAX.				Exemptions.	
	On	Per maund unless otherwise stated.	Per cent. ad valorem.			
		Rs. A. P.	Rs. A. P.			
	<i>I.—Articles of food and drink.</i>					
Octroi duty on articles imported into the Cantonment of Nowgong for consumption, sale or use within the Cantonment.	1	Areca nut ( <i>supari</i> ) . . .	0 12 0	..	The following articles are exempt from Octroi duty, viz. :— (1) Machinery. (2) Agricultural implements. (3) Head loads of firewood, grass or vegetables. (4) Fodder for the exclusive and direct use of any Indian Silladar Cavalry Regiment.  Provided that, if any fodder or grain so brought into the Cantonment is sold to persons outside the Regiment for any purpose or to persons within the Regiment for purposes other than the feeding of such animals as are maintained under the Silladar system, i.e., those animals on whose account compensation for decrease of forage is admissible under rule, the Commanding Officer of the Regiment shall	
	2	Betel leaves . . .	0 10 0	..		
	3	Bhusa . . .	0 0 3	1 9 0		
	4	Bran . . .	0 1 0	..		
	5	Butter . . .	1 4 0	..		
	6	" " " " . . .	" " "	..		
	7	Chironji . . .	0 15 0	..		
	8	Cocoanut with shell . . .	0 8 0	..		
		Do. kernel . . .	0 15 0	..		
	9	Cotton seed . . .	0 1 0	..		
	10	Eggs . . .	0 0 3	..		
		per dozen.				
	11	Flour and <i>suji</i> (wheat) . . .	0 2 6	..		
	12	Fowls . . .	0 5 0	..		
		per score.				
	13	Fruit—				
		Dates, dried ( <i>khari</i> ) . . .	..	4 11 0		
		Do., wet ( <i>pind-khajur</i> ) . . .	0 10 0	..		
		Dried fruits not otherwise specified.	..	4 11 0		
		Fresh fruit " " " " . . .	0 1 0	..		
		" " " " " " " " . . .	" " "	..		
		<i>Kokum amchur</i> . . .	0 10 0	..		
		Mango chips . . .	0 10 0	..		
	14	" " " " . . .	" " "	..		
	15	<i>Ghi</i> . . .	1 0 0	..		
	16	" " " " . . .	" " "	..		
	17	Grain—				
		<i>Kodai</i> . . .	0 2 0	..		
	Maize ( <i>makha</i> ) . . .	0 1 0	..			
	Not otherwise specified.	0 1 0	..			
	Rice (including <i>randole</i> ) . . .	0 2 0	..			
	Rice parboiled ( <i>dhussa</i> ) . . .	0 2 0	..			
	Wheat . . .	0 1 3	..			
18	Gram . . .	0 1 0	..			

<sup>2</sup> Substituted by Notification No. 810-B., dated the 27th April, 1920. *Gazette of India, 1920, Pt. II, p. 433.*

<sup>3</sup> Omitted by Notification No. 2098, dated the 17th November, 1931. *Gazette of India, 1932, Pt. II, p. 1439.*

<sup>4</sup> Substituted by *ditto*.

FOURTH SCHEDULE—*contd.*

Nature of tax.	RATES OF TAX.			Exemptions.
	On	Per maund unless otherwise stated.	Per cent. <i>ad valorem</i> .	
	<i>I.—Articles of food and drink—contd.</i>	Rs. A. P.	Rs. A. P.	
Octroi duty on articles imported into the Cantonment of Nowgong for consumption, sale or use within the Cantonment.	19 Ground nut ( <i>mung-phaki</i> ).	0 6 0	..	furnish, on the first day of each month to the Cantonment Authority a certificate of the amounts so sold and shall arrange for the simultaneous payment of the amount of octroi duty payable thereon. (5) Cowdung-cakes. (6) <i>Bond fide</i> personal luggage of travellers. (7) Goods on which the octroi leviable would be less than one pie. (8) Second-hand articles for the importer's personal use but not for trade. (9) Salt, opium and mineral oil (including petroleum). (10) Excisable liquor and drugs liable to excise duty. (11) Ornaments of gold and silver and gold and silver when imported in the form of bullion. (12) Coin. (13) Cinema films.
	Ground seed . . .	0 15 0	..	
	20 Gur . . .	0 2 0	..	
	21 Hay and <i>karbi</i> . . .	0 0 3	..	
	22 Honey . . .	0 8 0	..	
	23 <i>Khown</i> . . .	0 10 0	..	
	24 Oil-cake . . .	0 1 8	..	
	25 Pickles ( <i>achar</i> ). . .	0 1 0	..	
	26 <i>Singhwa</i> , green <i>lm</i> , dry . . .	0 5 0	..	
	27 Sugar . . .	0 12 0	..	
	28 Sugar cane . . .	0 2 0	..	
	29 Tamarind . . .	0 1 0	..	
	30 Tea . . .	..	3 2 0	
	31 Turmeric, green . . .	0 2 0	..	
	32 <sup>1</sup> [Vegetables of all kinds including Arvi, Onions, Chillies, Garlic and Ginger 0-1-0 per md. and Potatoes including pindalu, ratulu, suran, yams and sweet potatoes ( <i>sakarand</i> ).]	<sup>1</sup> [0 2 0]	..	

<sup>1</sup> Substituted by Notification No. 2098, dated the 17th November, 1921. *Gazette of India, 1921, Pt. II, p. 1489.*

<sup>2</sup> Substituted by Notification No. 1698-B, dated the 25th August, 1927. *Gazette of India, 1927, Pt. II-A, p. 378.*

<sup>3</sup> Substituted by Notification No. 1131-B, dated the 7th May, 1929. *Gazette of India, 1929, Pt. II-A, p. 208.*

<sup>4</sup> Substituted by Notification No. 1216-B, dated the 21st June, 1928. *Gazette of India, 1928, Pt. II, p. 247.*

FOURTH SCHEDULE—*contd.*

Nature of tax.	RATES OF TAX.			Exemptions.
	On	Per maund unless otherwise stated.	Per cent. <i>ad valorem</i> .	
		Rs. A. P.	Rs. A. P.	
	<i>II.—Animals for Slaughter.</i>			
Octroi duty on articles imported into the Cantonment of Nowgong for consumption, sale or use within the Cantonment.	33 Sheep and goat . . .	0 1 0 (each)	..	(14) All articles imported through the post.
	34 * * *	* * *		
	35 Buffalo . . .	0 4 0 (each)	..	(15) All articles the property of Government or of Cantonment Authority at the time of import. <sup>1</sup> (16) Coal.]
	36 Bullock or cow . . .	0 3 0 (each)	..	
	37 * * *	* * *		
	38 Pigs . . .	0 2 0 (each)	..	
	<i>III.—Articles of Fuel, Lighting and Washing.</i>			
	39 Charcoal, <sup>1</sup> * * and coke.	0 0 6	..	..
	40 Firewood . . .	<sup>1</sup> 0 1 0 (cart load)	..	..
	41 Oils, all non-mineral kinds.	0 8 0	..	..
	42 Fats, all kinds . . .	0 10 0	..	..
	43 Soap, all sorts . . .	..	3 2 0	..
	44 Soda salt ( <i>khari sajji</i> )	0 5 0	..	..
	<i>IV.—Building Materials.</i>			
	45 <i>Ballis</i> , Teak . . .	0 8 0 (cartload).	..	..
	Do., other kinds . . .	0 8 0 (cart load).	..	..
	46 Bamboos, dry . . .	0 12 0 (cart load).	..	..
	Do., split . . .	0 8 0 (cart load).	..	..
	47 Battens . . .	0 4 0 (cart load).	..	..
	48 Bricks, burnt . . .	1 4 0 (per 1,000).	..	..
	49 Chalk ( <i>khari</i> ) . . .	0 1 0 (cart load).	..	..
	50 China clay . . .	0 2 0 (cart load).	..	..

<sup>1</sup> Omitted, added and substituted by Notification No. 2096, dated the 17th November, 1921. *Gazette of India*, 1921, Pt. II, p. 1456.

FOURTH SCHEDULE—contd.

Nature of tax.	RATES OF TAX.			Exemptions.
	On	Per maund unless otherwise stated.	Per cent. <i>ad valorem</i> .	
		Rs. A. P.	Rs. A. P.	
	<i>IV.—Building Materials—contd.</i>			
Octroi duty on articles imported into the Cantonment of Nowgong for consumption, sale or use within the Cantonment.	51 Grass, thatching . . .	0 0 3	..	..
	52 Lime (including lime <i>kankar</i> and Lime-stone).	0 0 3	..	..
	53 Marble . . .	0 3 0	1 9 0	..
	54 Stone . . .	(cart load).	..	..
	55 Tiles, country . . .	0 3 0 (per 1,000).	..	..
	Do., Allahabad . . .	..	4 11 0	..
	56 Wood— Babul . . .	0 8 0 (cart load).	..	..
	Teak, Bombay . . .	..	3 2 0	..
	Sai, Shisham and other timber.	1 0 0 (cart load).	..	..
	<i>V.—Drugs, Gums, Spices and Perfumes.</i>			
	57 All drugs, spices and perfumes (including <i>afsaia</i> , cardamom, carraway seeds, dried chillies, cinnamon, cloves, coriander seed, dry ginger, pepper, perfumed oil, poppy seeds, and sandal wood, including chips).	..	3 2 0	—
	<i>VI.—Tobacco.</i>			
	58 Tobacco, English or foreign.	..	3 2 0	..
	59 Do., country, chewing.	0 12 0	..	..
	Do., smoking . . .	0 8 0	..	..
	Do., root powder . . .	0 1 0	..	..

FOURTH SCHEDULE—*contd.*

Nature of tax.	RATES OF TAX.			Exemptions.
	On	Per maund unless otherwise stated.	Per cent. <i>ad valorem</i> .	
		Rs. A. P.	Rs. A. P.	
	<i>VII.—Piece-goods and other textile fabrics and manufactured articles.</i>			
Octroi duty on articles imported into the Cantonment of Nowgong for consumption, sale or use within the Cantonment.	60 Bags, empty . . .	..	1 9 0	..
	61 Cotton piece-goods of all manufacture.	..	2 1 4	..
	62 Gold braid ( <i>gots</i> ), real	..	3 2 0	..
	63 Ditto, sham . . .	..	1 9 0	..
	63 Woollen and silk goods.	..	3 2 0	..
	<i>VIII.—Metals and articles of metal.</i>			
	64 Iron . . .	..	3 2 0	..
	65 All articles made of metal.	..	3 2 0	..
	<i>IX.—Miscellaneous.</i>			
	66 Bangles, country . .	1 0 0	..	..
	67 Do., China glass . .	..	3 2 0	..
	68 Bristles, pig . . .	0 4 0	..	..
	69 Cotton, uncleared or waste.	0 8 0	..	..
	Cotton, cleaned . . .	1 8 0	..	..
	70 <i>Gulal</i> . . .	..	4 11 0	..
	71 Hemp . . .	0 4 0	..	..
	Do., string . . .	0 8 0	..	..
	72 <sup>1</sup> [Hides, raw, cow . . . (each)]	0 2 0	..	..
	<sup>1</sup> [Hides, raw, buffalo (each)]	0 3 0	..	..
	<sup>1</sup> [Hides, raw, sheep, goat and deer. (each)]	0 0 6	..	..
	73 <sup>1</sup> [Hides, tanned, cow (each)]	..	0 3 0	..
	<sup>1</sup> [ Ditto buffalo (each)]	..	0 4 0	..
	<sup>1</sup> [Hides, tanned, sheep, goat and deer. (each)]	..	0 0 9	..

<sup>1</sup> Substituted by Notification No. 2006, dated the 17th November, 1931, *Gazette of India*, 1931, Pt. II, p. 1493.

FOURTH SCHEDULE—*conold.*

Nature of tax.	RATES OF TAX.			Exemptions.
	On	Per maund unless otherwise stated.	Per cent. <i>ad valorem.</i>	
Octroi duty on articles imported into the Cantonment of Nowgong for consumption, sale or use within the Cantonment.	74 Horn, buffalo . . .	Rs. A. P. 0 6 0	Rs. A. P. ..	..
	Do., stag . . .	0 12 0	..	..
	75 Leather, tanned in European style.	..	3 2 0	..
	76 Linseed . . .	0 2 6	..	..
	Do., oil . . .	0 8 0	..	..
	77 <i>Mung</i> . . .	0 5 0	..	..
	78 Oil seeds. . . .	0 2 6	..	..
	79 Saltpetre ( <i>sorz</i> ) . .	0 10 0	..	..
	80 Shoes and boots . .	..	3 2 0	..
	81 Sulphur . . . .	..	3 2 0	..
	82 Wax . . . . .	1 0 0	..	..
	83 Wool, Indian . . .	0 10 0	..	..
	84 Parsees' and Bohras' goods and stores not hereinbefore specified, and furniture of all descriptions.	..	3 2 0	..
	85 All articles not specified in any of the above classes.	..	3 2 0	..

FIFTH SCHEDULE.

(Notifloations cancelled—Not reprinted.)

[*Gazette of India*, 1915, Pt. II, p. 246.]

*Tax on bicycles kept within the limits of Neemuch Cantonment.*

No. 2031-B., dated the 20th September, 1928.—In exercise of the powers conferred by section 60 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to impose the following tax in the said Cantonment:—

*Description of the Tax.*

A tax on all bicycles kept by any person within the limits of the Nimach Cantonment at the rate of Rs. 1 per bicycle per annum. Provided that no tax shall be leviable in respect of the following:—

(a) Bicycles which are the property of the Government.

- (b) Bicycles which are provided to the employees of the Cantonment Authority from the Cantonment Fund and bicycles of all personnel in Government or Cantonment service who are in receipt of conveyance or cycle allowance.
- (c) Bicycles which are brought temporarily into the Nimach Cantonment and kept not more than three months therein.

[*Gazette of India*, 1928, Pt. II-A, p. 312.]

*Tax on motor vehicles kept for use within the limits of Neemuch Cantonment.*

No. 1321-B., dated the 24th May, 1929.—In exercise of the powers conferred by Section 60 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to impose the following tax in the said Cantonment.

*Description of the Tax.*

A tax on all motor vehicles kept for use within the limits of the Neemuch Cantonment at the following rates:—

	Per annum.
	Rs.
Private motor cars and lorries . . . . .	9
Motor cars plying for hire . . . . .	18
Motor lorries plying for hire . . . . .	27
Motor cycles . . . . .	4-8
Motor cycles with side car . . . . .	6

Provided that no tax shall be levied in respect of vehicles brought temporarily into the Cantonment and kept not more than three months therein.

[*Gazette of India*, 1929, Pt. II-A, p. 227.]

*Commutation of octroi duties.*

No. 1641-B., dated the 4th August, 1923.—In exercise of the powers conferred by section 15, sub-section (1), clause (b) of the Cantonments Act, 1910 (XV of 1910)<sup>1</sup>, as applied to the Cantonments of Mhow, Neemuch and Nowgong, the Agent to the Governor General in Central India is pleased, with the previous sanction of the Governor General in Council, to direct that the payment of the octroi duties leviable in the said Cantonments may be commuted in accordance with the following rule, namely:—

Any military officer, or any civil officer of Government or of the Railway whose pay exceeds Rs. 200 a month, may commute the octroi

<sup>1</sup> See now the Cantonments Act, 1924 (II of 1924), as applied by Notification No. 263-I., dated the 24th April, 1929, *supra*, p. 28.



duties payable on parcels, brought by post or railway, which are intended only for his *bonâ fide* personal use or for that of his family residing with him, for a quarterly payment at proportionate rates on the following scale:—

	In Mhow and Neemuch Cantonment.	In Nowgong Cantonment.
	Ra.	Ra.
Civil officers whose pay exceeds Rs. 1,500 a month, and General officers.	15 a year . . .	12 a year.
Civil officers whose pay exceeds Rs. 900 and does not exceed Rs. 1,500 a month, and Colonels and Lieutenant-Colonels.	12 „ . . .	10 „
Civil officers whose pay exceeds Rs. 500 and does not exceed Rs. 900 a month, and Majors.	10 „ . . .	8 „
Civil officers whose pay exceeds Rs. 300 and does not exceed Rs. 500 a month, and Captains.	8 „ . . .	6 „
Civil officers whose pay exceeds Rs. 200 but does not exceed Rs. 300 a month, and Lieutenants and 2nd-Lieutenants.	6 „ . . .	4 „

2. The Notifications of the Government of India in the Foreign Department, Nos. 1542-I.B., 2113-I.B. and 1860-G., dated the 9th June, 1899, 25th May, 1906 and 21st July, 1909, respectively, are hereby cancelled.

[*Gazette of India*, 1923, Pt. II, p. 1354.]

#### *Form of assessment lists.*

No. 1193-B., dated the 13th June, 1924.—In exercise of the powers conferred by section 66 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonments of Mhow, Neemuch and Nowgong, the Agent to the Governor General in Central India is pleased to prescribe the following form in which assessment lists should be prepared by the Cantonment Authority:—

#### FORM.

The name of the street or Mohalla in which the property is situated.	The designation of the property either by name or by number, sufficient for identification.	The names of the owner or occupant, if known.	The annual letting value or other particulars determining the annual or rateable value.	The amount of the tax assessed thereon.
1	2	3	4	5

[*Gazette of India*, 1924, Pt. II-A, p. 224.]

*Exemption of soldiers' bicycles from taxation in Mhow, Nimach and Nowgong.*

No. 4523-I.A., dated the 10th October, 1902.—In exercise of the powers conferred by section 20, sub-section (I) of the Cantonments Act, 1889 (XIII of 1889)<sup>1</sup>, as applied to the Cantonments of \* Mhow, Neemuch \* by the notifications of the Government of India in the Foreign Department, Nos. \* 1375-I., 1376-I., \* respectively, dated the 25th April 1890, and to the Cantonments of \* Nowgong by the notifications of the Government of India in the Foreign Department, \* No. 5024-I., dated the 24th December 1891, respectively, the Governor General in Council is pleased to exempt all warrant officers, non-commissioned officers and soldiers of the regular forces from the operation of any tax which may be for the time being imposed on cycles in the said Cantonments.

[*Gazette of India*, 1902, Pt. I, p. 738.]

*Exemption of motor vehicles of military officers from half the motor vehicles tax in Mhow.*

No. 3436-B., dated the 6th November 1928.—In exercise of the powers conferred by Section 99-A of the Cantonments Act, 1924 (II of 1924) as applied to the Cantonment of Mhow, the Hon'ble the Agent to the Governor General in Central India is pleased to exempt military officers serving in the said Cantonment from the payment of half of the tax imposed by the Central India Agency<sup>2</sup> Notification No. 162-B./25(4), dated the 21st December, 1925, on motor vehicles maintained by them in lieu of authorised charges.

[*Gazette of India*, 1928, Pt. II-A, p. 359.]

THE CENTRAL INDIA CANTONMENT ACCOUNT CODE.

No. 357-I., dated the 17th July, 1925.—In exercise of the powers conferred by Section 280 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonments of Mhow, Nimach and Nowgong, the Governor General in Council is pleased to make the following rules:—

RULES.

The Central India Cantonment Account Code, 1925.

CHAPTER I.—GENERAL PRINCIPLES AND RULES.

1. *Short title.*—These rules may be called the Central India Cantonment Account Code, 1925.

<sup>1</sup> See now the Cantonments Act, 1924, as applied by Notification No. 202-I., dated the 24th April, 1928, *supra*, p. 23.

<sup>2</sup> Printed *supra*, p. 225.

**2. Definitions.**—In these rules unless there is anything repugnant in the subject or context,—

- (a) “Accountant General” means the Civil Accountant General or Civil Comptroller of Accounts;
- (b) “the Act” means the Cantonments Act, 1924, as applied to the Cantonments of Mhow, Nimach and Nowgong;
- (c) “Form” means a Form contained in the Second Schedule to these rules;
- (d) “President” means the President of the Cantonment Board in a cantonment where such a Board has been constituted, and, in other Cantonments the Officer Commanding the Station;
- (e) “treasury” means a Government treasury or sub-treasury or the Imperial Bank of India or any other bank to which Government treasury business has been entrusted and includes a banker or person acting as a banker with whom a cantonment fund is deposited under Section 107 (2) of the Act;
- (f) “Treasury Officer” includes a banker, or person acting as a banker with whom a Cantonment fund is deposited under Section 107 (2) of the Act.

**3. Effect of close holidays.**—Wherever in these rules, any act or proceeding in the office of the Cantonment Authority, is directed or allowed to be done or taken on a certain day or within a prescribed period, then, if the office is closed on that day or on the last day of the prescribed period, the act or proceeding shall be deemed to be done or taken in due time if it is done or taken on the next day thereafter on which the office is open.

#### *Cantonment Fund.*

**4. Credit of money received.**—All money transactions to which any member of a Board, or any officer or servant of a Cantonment Authority is a party in his official capacity shall, immediately and without any reservation, be brought to account in the books of the Cantonment Authority, and all moneys received other than moneys withdrawn from the treasury to meet current expenditure, shall without delay be paid in full in the treasury, and shall be credited to the appropriate account, and shall not be utilised to meet current expenditure.

<sup>1</sup>[4-A. Pies shall be omitted from all salary, establishment, and travelling allowance bills and cheques issued on treasuries. All indi-

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<sup>1</sup> Inserted by Notification No. 109-L, dated the 24th February, 1927. *Gazette of India*, 1927, Pt. I, p. 305.

vidual items in such cases whether they pertain to salary or allowances of any description, or travelling allowance, or represent deductions or payments of some sort, shall be calculated to the nearest anna, fractions below half an anna being omitted, and half an anna or over being reckoned as an anna.]

5. *No unauthorised fund to be maintained.*—In no circumstances, whatever shall any fund be maintained by the Cantonment Authority except the regularly authorised Cantonment funds.

### *Accounts.*

6. *Separation of Revenue and Account branches.*—Except in the case of Cantonment offices specially exempted from the operation of this rule by the Officer Commanding-in-Chief, the Command, the Revenue and Account branches of every Cantonment shall be kept distinct from each other and under separate officials who for this purpose shall be termed, respectively, the Cashier and the Accountant. All sums due to the Cantonment Authority shall be received by the former official, and in no case shall the same person compile the accounts and superintend the collection of taxes and other revenue. No person employed in a treasury shall assist in any way in collecting Cantonment revenue, or in posting the Cantonment books.

7. *Prescribed registers and forms to be observed.*—No addition to, or modification of, the registers and forms prescribed in this Code shall be made, and no new forms shall be introduced by any Cantonment Authority, without the previous sanction of the Governor General in Council. In the matter of details connected with accounts, the Cantonment Authority shall be guided by the instructions of the Accountant General.

8. *Maintenance of registers.*—As far as possible all accounts shall be maintained in English. Books of account and registers shall be strongly bound and paged before being brought into use, and, unless otherwise specifically stated, accounts shall not be prepared in loose sheets or in loosely bound volumes. Forms in which receipts for money are granted shall be bound in counterfoil books, each containing 100 consecutively machine numbered and printed forms.

9. *Corrections in registers.*—Corrections and alterations in accounts shall be neatly made in red ink (a single line being drawn through the original entry which it is desired to correct) and attested by the dated initials of the Executive Officer, [or such other officer as the Cantonment Authority may direct]<sup>1</sup> or in the case of departmental accounts by the dated initials of the officer in charge. Each correction or altera-

<sup>1</sup> Inserted by Notification No. 23-L, dated the 16th January, 1929. *Gazette of India*, 1929, Pt. I, p. 22.

tion in the total of a voucher should be attested by the dated initials of the person signing the receipt; each correction or alteration in the order of payment must be attested in the same way by the officer ordering the payment. Corrections in an assessment list shall not be made save under the initials of a person authorised under the Act, or the rules made thereunder, to alter the assessment.

Erasures and overwritings shall on no account be made in registers, statements, cheques, vouchers or accounts of any description.

#### *Audit of Accounts.*

10. (1) *Audit of Accounts.*—The accounts of the Cantonment Fund shall be audited by the Accountant General, and the cost of such audit shall be paid by the Cantonment Authority concerned.

(2) The Cantonment Authority shall at the time of audit cause to be produced all accounts, registers, documents and subsidiary papers which may be required by the auditor to assist him in his investigations.

11. *Objection statement.*—The objection statements issued by the auditor in the course of audit shall be returned to him promptly, and in any case before the close of audit, with notes showing the action taken or which it is proposed to take to settle the objections raised, over the signature of the President. The auditor shall return for further action any items on which final or sufficient action has not in his opinion been taken; and shall before leaving bring to the personal notice of the President items which have not been disposed of.

12. (1) *Audit note.*—The Accountant General will forward a copy of the audit note with his remarks to the President, the Officer Commanding-in-Chief, the Command, and the Local Government concerned, for necessary action.

(2) The audit note should contain the following certificate:—

“Certified that a copy was kept in my office of the annual account for the year submitted to the Officer Commanding-in-Chief, the Command, with my endorsement No. \_\_\_\_\_, dated \_\_\_\_\_ and that the account has been compared with local records and found correct, subject to the following remarks.”

13. (1) *Consideration of audit note.*—As soon as the audit note has been received in the office of the Cantonment Authority the same shall forthwith be taken into consideration and, where there is a Board, the President shall convene a meeting of the Board to decide upon the action to be taken in regard thereto. The action so taken shall be indicated on an interleaved copy, or on the margin of the audit note,

which shall be sent to the Accountant General, as promptly as possible and at the latest within three months of the date of receipt of the note. A copy shall at the same time be sent to the Officer Commanding-in-Chief, the Command. A similar annotated copy shall be kept in the office of the Cantonment Authority, and shall be placed before the audit officer at his next visit.

(2) In cases where in the opinion of the Accountant General suitable action has not been taken on the audit report, he shall send the case for orders, to the Officer Commanding-in-Chief, the Command, or the Local Government or the Government of India as he thinks fit.

*Cantonment Fund Losses, <sup>1</sup>[and Remissions].*

<sup>2</sup>[14. (1) *Enquiry into losses.*—Whenever any loss of Cantonment monies, stores or other property through embezzlement, fraud, theft, or other cause is discovered, a preliminary investigation shall forthwith be made into the loss by the Cantonment authority or by some person appointed in this behalf by the Cantonment authority, and the result of such preliminary investigation, if the loss incurred exceeds rupees fifty, shall be reported forthwith by the Cantonment authority to the Officer Commanding-in-Chief, the Command, and to the Accountant General. The Officer Commanding-in-Chief, the Command, shall, if necessary, arrange with the Accountant General for an expert examination of accounts in connection with the loss. The Officer Commanding-in-Chief, the Command, shall, if necessary, then cause the matter to be investigated by a Committee of Inquiry consisting of the <sup>3</sup>[Inspecting officer], Military Lands and Cantonments of the Command, as President, and two other officers nominated by the Officer Commanding-in-Chief, the Command, who shall arrange for such expert and other evidence as may be required for the purposes of the enquiry. When the matter has been fully enquired into by the Committee of Inquiry, a report shall be submitted to the Accountant General and the Government of India showing the total sum of money lost, the circumstances in which the loss took place and the steps taken or recommended to recover the money and to punish the offenders, if any. The submission of such report shall not in any case debar the local authorities from taking any action which may be deemed necessary.

(2) Money, the value of stores or other property thus lost, shall not be written off the accounts except with the sanction of the Governor

<sup>1</sup> Added by Notification No. 28-I., dated the 16th January, 1920. *Gazette of India, 1920, Pt. I, p. 23.*

<sup>2</sup> Substituted by Notification No. 102-I., dated the 24th February, 1927. *Gazette of India, 1927, Pt. I, p. 308.*

<sup>3</sup> Substituted by Notification No. 23-I., dated the 16th January, 1920. *Gazette of India, 1920, Pt. I, p. 23.*

General in Council, provided that losses the amount of which does not exceed rupees fifty in any individual case may be written off by the Cantonment authority, and losses exceeding rupees fifty but not exceeding rupees five hundred in any individual case may be written off by the Officer Commanding-in-Chief, the Command.]

<sup>1</sup>[14-A. Money due in respect of land rent (including house-rent), sales of wood, fruits, grass and miscellaneous contracts, which has been ascertained to be irrecoverable shall not be written off the accounts except with the sanction of the Governor General in Council; provided that any such irrecoverable amount which does not exceed rupees two hundred and fifty in any individual case may be written off by the Officer Commanding-in-Chief, the Command.]

<sup>2</sup>[14-B. *Remissions of rent for land.*—Remissions of rent for land may, for special reasons, such as the failure of crops, be sanctioned by the Officer Commanding-in-Chief, the Command, up to a limit of rupees one thousand in any individual case, and by the Governor General in Council for any amount exceeding rupees one thousand.]

#### *Issue of Duplicate Receipts and Vouchers.*

15. *Issue of duplicate receipts and vouchers.*—The Executive Officer or other official shall not issue duplicates or copies of receipts granted for money received, or duplicates or copies of bills or other documents for the payment of money which has already been paid, on the allegation that the originals have been lost. If any necessity arises for such a document, a certificate may be given that on a specified day, a certain sum on a certain account, was received from or paid to a certain person. In the case of a bill or deposit repayment voucher passed for payment at a treasury but lost before encashment or payment, the officer who drew the original bill or voucher should ascertain from the treasury that payment has not been made on the original before he issues a duplicate, which should bear distinctly on its face the word "duplicate" written in red ink.

### CHAPTER II.—BUDGET ESTIMATES.

#### *Preparation and Submission.*

16. (I) *Submission of budget estimate.*—On or before the 1st day of September in each year, the Cantonment Authority shall submit to the Officer Commanding-in-Chief, the Command, a budget estimate.

<sup>1</sup> Inserted by Notification No. 102-I., dated the 24th February, 1927. *Gazette of India, 1927, Pt. I, p. 203.*

<sup>2</sup> Inserted by Notification No. 23-I., dated the 16th January, 1920. *Gazette of India, 1920, Pt. I, p. 23.*

of the receipts (including grants-in-aid required, if any) to be paid into, and of the expenditure to be incurred from, the cantonment fund for the ensuing financial year.

(2) The budget estimate shall be drawn up in Form No. Cant. 1-B and shall be considered and passed by the Cantonment Authority before submission to the Officer Commanding-in-Chief, the Command.

17. *Preparation of budget estimates.*—The following general rules shall be observed in preparing the budget estimate:—

- (a) The estimate of income shall be based upon a comparison of the last three years' receipts and, in the case of fixed income, upon the actual demands, inclusive of any arrears due which are likely to be realised. When receipts are rising or falling, and the three years' averages are deceptive, a rise or fall as the case may be, may be provided in the budget estimate, suitable explanatory notes being added for each important variation.
- (b) The estimate of expenditure on fixed establishments as well as fixed monthly recurring charges on account of rent, allowances, etc., shall be made according to the actual sanctioned scale, irrespective of savings, and shall provide for the gross sanctioned pay without deductions of any kind. In the case of progressive salaries, the rates of pay which will be due on the 1st September of the year to which the budget relates shall be adopted.
- (c) For contingent expenditure, the estimates shall be based upon the average actual expenditure of the past three years, exclusive of any special items of expenditure that may have been incurred during those years.
- (d) The budget estimates shall be framed so as to provide for a closing balance of not less than 10 per cent. of the estimated ordinary annual expenditure.
- (e) The invested funds of the Cantonment Authority shall not be shown in the opening and closing balances; but details thereof according to face value shall be given in Appendix B to the budget estimate.

18. *Sanction of budget estimate.*—The Officer Commanding-in-Chief the Command, may sanction the budget estimate, provided that, if the budget estimate provides for a grant-in-aid from the Government of India, or if in the opinion of the Officer Commanding-in-Chief, the Command, the budget estimate requires modification for any reason, he shall submit it with his recommendations for the orders of the Governor General in Council.



19. *Payments from cantonment fund.*—No money shall be paid from the cantonment fund unless the expenditure is either:—

- (a) provided for in the original or revised budget estimate as sanctioned, or
- (b) sanctioned by the Officer Commanding-in-Chief, the Command:

Provided that in the case of revision of establishment, or of expenditure on original works, no expenditure shall be sanctioned unless detailed proposals or estimates have been prepared and sanctioned by competent authority.

*Re-appropriations.*

20. (1) *Re-appropriations.*—A Cantonment Authority shall not incur expenditure for which no provision exist, under any of the heads of the budget estimate, or in excess of the amount provided under any head, without making provision for the excess by re-appropriation from some other head under which savings are ascertained or anticipated.

(2) Applications for re-appropriation of funds shall be accompanied by a re-appropriation statement in Form No. Cant. 2-B.

21. *Sanction for re-appropriation.*—The Cantonment Authority may—

- (a) with the previous sanction of the Officer Commanding-in-Chief, the Command, re-appropriate any sum from one major head of the budget estimate to another;
- (b) re-appropriate any sum from one minor head of the budget estimate to another minor head under the same major head:

Provided that the Cantonment Authority may not—

- (a) employ the allotment for original works otherwise than as proposed in Form No. Cant. 2-B, without the previous sanction of the Officer Commanding-in-Chief, the Command, or
- (b) utilise for other purposes any portion of grant-in-aid contribution given for a specific purpose.

*Explanation.*—The following are examples of major and minor heads:—

*Major heads*—I Rate and Taxes.

*Minor head*—(a) Octroi.

*Major head*—A. General Administration.

*Minor head*—(1) Executive Officer.



*Remittances to Treasury.*

26. *Daily remittance to treasury.*—All monies received for credit to the cantonment fund shall be remitted to the treasury daily. In no circumstances shall the amount left in the custody of the cashier exceed the security furnished by him and all money in hand on the last working day of each month shall be remitted on that day. The money shall be accompanied by a duplicate *chalan* in Form No. Cant. 5-B and the remittance shall be entered in the general cash book under the initials of the Executive Officer. The duplicate foil of the *chalan*, when received back signed from the treasury, shall be used as a voucher for the remittance and may either be filed separately or, if convenient, pasted in the page of the cash book.

In any circumstances in which the balance in hand is temporarily in excess of the cashier's security, the Executive Officer shall make special arrangements for the safe custody of the same.

27. *Remittance to treasury by cantonment official.*—When a remittance is made by an official of the Cantonment Authority direct to the treasury for credit to the cantonment fund, it shall be accompanied by a *chalan* in triplicate in Form No. Cant. 5-A-B, of which one foil shall be retained in the treasury, and of the other two foils, which shall be returned duly receipted by the treasury, one shall be retained as his receipt by the official who made the remittance, and the other sent to the cantonment office, where the amount entered therein shall be brought to account in the general cash book.

*Pass book.*

28. *Pass book.*—All sums paid into the treasury on account of the Cantonment Authority and all payments made on cheques, shall be entered in a pass book in Form No. Cant. 6-B, which shall be sent with each remittance and on the last working day of the month, to the treasury to be written up. At the close of each month, the entries on each side of the pass book shall be totalled and a balance struck under the signature of the Treasury Officer. In no circumstances shall any entries be made in the pass book except by the treasury officials, and if any mistake is detected in the Treasury Pass Book the Executive Officer shall bring it to the notice of the Treasury Officer who shall at once correct it under his dated initials.

*Payment of money.*

29. *Method of payment.*—Ordinarily, payments shall be made by cheque but sums of less than Rs. 20 may be paid from permanent ad-

vances, where payment by cheque is not specifically prescribed by these rules.

30. (1) *Payment of bills.*—Every item of expenditure shall be entered in a bill in the form prescribed by this Code. Bills and other vouchers presented for payment shall be examined by the Executive Officer or other officer appointed by the Cantonment Authority in this behalf, and, if the claim is admissible, the authority good, the signature true and in order, and the receipt a legal quittance, he shall make an order to pay on the bill and sign it. The officer making a payment order shall be personally responsible that the bill is complete and affords sufficient information as to the nature of the payment, and that the payee actually receives the sum passed.

(2) After the order to pay has been entered on the bill and passed, the payment shall be made either by cheque drawn in the name of the payee or in cash from the permanent advance. In the former case, the requisite entry shall be made in the general cash book and the bill having been stamped "paid by cheque No. , dated

" shall be filed. In the latter case the bill having been stamped "paid in cash" shall be retained in the custody of the holder of the permanent advance and the requisite entry shall be made by him in his permanent advance account.

(3) Every payment order shall be made on a bill, a note being made on the file concerned referring to the number and date of the bill. A reference shall also be made on the bill to the file to which it appertains.

### *Cheques.*

31. (1) *Cheque books.*—Cheques shall be in counterfoil in Form No. Cant. 7-B, and each cheque shall bear a book number and a serial number. The cheque book number and the serial number of each cheque shall be machine-numbered. All cheque forms, with counterfoils, shall be bound in books which shall be kept locked in the personal custody of the drawing officer, who shall notify to the treasury upon which he draws, the number of the cheque book and the number of cheques contained in the book which he from time to time brings into use.

(2) On receipt of a cheque book the drawing officer shall record on it the number of forms it contains. When relieved of his office, he shall take a receipt for the number of cheques made over to his successor, and shall send to the treasury a specimen of the relieving officer's signature.

32. (1) *Issue of cheques.*—Every cheque shall be signed by the Executive Officer: provided that, in the case of a part-time Executive

Officer, cheques for sums in excess of two hundred rupees shall be signed by the President, or in his absence, by the Vice-President.

(2) No cheque shall be signed unless required for immediate delivery to the payee, or be drawn in favour of any other person than the actual payee.

(3) All cheques shall bear the prescribed stamp duty of one anna and on each an amount slightly in excess of the sum for which the cheque is drawn, shall be written across it at right angles to the type, as a protection against fraud.

*Examples.*—Across a cheque drawn for Rs. 49-13-0 there shall be written "under rupees fifty".

33. *Currency of cheques.*—No cheque shall be current for more than three months from the date on which it was drawn. After the expiration of that period payment shall be refused at the treasury, and it shall be necessary for the person in whose favour the cheque was drawn to return it. In the event of a cheque being so returned, no fresh cheque shall be issued, but the lapsed cheque shall be re-dated, and the alteration initialled by the drawing officer, a note of the fact of re-dating being entered in the general cash book against the original entry. The alteration shall in no way affect the accounts, and no further entries shall be made.

#### *Cancellation of Cheques.*

34. (1) *Cancellation of cheques.*—A signed cheque when cancelled shall be encased or stamped "Cancelled" by the drawing officer and the fact of cancellation shall be noted in red ink, under the initials of the drawing officer, upon the counterfoil, and across the payment order on the bill or voucher. Such cheques shall be preserved under lock and key in the custody of the Executive Officer until the accounts have been audited, when they shall be destroyed by the Auditor, who shall certify to the destruction upon the counterfoil.

(2) When a cheque is cancelled before the general cash book has been closed for the day upon which the cheque issued, the entry in the cash book shall be struck out in red ink under the initials of the Executive Officer. When a cheque is cancelled after the cash book has been closed the amount shall be adjusted in the manner prescribed in rule 38 (c).

35. *Loss of cheque.*—If a cheque is lost or destroyed, an intimation of the fact shall at once be given to the Treasury Officer, and when it has been ascertained from the pass-book and by enquiry at the treasury office that the cheque has not been cashed, its payment shall be stopped. The loss of the cheque shall be noted on the counterfoil. If a fresh

cheque is not issued in place of the lost cheque, the procedure laid down in sub-rule (2) of rule 34 shall be followed. If a new cheque is issued, its number and date shall be quoted against the original entry in the general cash book with the remark that the original cheque has been lost and the following note shall be made on the counterfoil of this cheque:—

**“ Issued in lieu of cheque No.**

**dated**

lost ,  
destroyed

### Cash Book.

36. *Cash book.*—The general cash book shall be in Form No. Cant.-8-B, and shall be closed and balanced daily, and signed by the Executive Officer. At the end of each month the receipts and expenditure entered in the cash book shall be compared item by item with the pass-book and the balances agreed, the difference, if any, being explained in a footnote in the general cash book as under:—

	Rs.
Cash book closing balance . . . . .	.
Deduct income (a) not yet credited into the treasury .	.
	<hr/>
TOTAL	.
	<hr/>
Add amount of uncashed cheques detailed below (b) .	.
Balance as per pass-book . . . . .	.
Details of—	
(a) . . . . .	.
(b) . . . . .	.

***Classified Abstract.***

37. (1) *Classified abstract.*—For the classification of receipts and expenditure, a classified abstract shall be maintained in Form No. Cant. 9-B. The Form shall be kept in two volumes, one for income and one for expenditure. A separate page shall be opened for each item of the budget estimate under which provision has been made, and the receipts and charges appertaining to those items for each day shall be taken, either as they occur or in the aggregate for the day, from the general cash book or from the bills, and entered in the appropriate columns of the abstract. At the end of each month the totals and progressive totals shall be made under each of the heads of the abstract, any transfer entries which may have been made in accordance with these rules being taken into account.

(2) Subject to a strict compliance with sub-rule (1), the Cantonment Authority may open in the classified abstract such subsidiary heads of

account as will enable it to furnish any special information required by higher authority, and to prove other subsidiary accounts and registers.

### *Transfer Entries.*

38. *Of making transfer entries.*—Transfer entries, namely entries by means of which an amount is transferred from one head of account to another, shall be made in the following cases:—

- (a) to correct an error of classification, by deducting an amount from the head to which it has been incorrectly credited or debited, and adding it to the head to which it should have been credited or debited;
- (b) to adjust an advance against a bill for expenditure, by adding the amount to the proper head of expenditure and to the head "Advances" on the receipt side;
- (c) to adjust a recovery of expenditure, in which case the amount recovered shall first be credited to the receipt head "Miscellaneous—other items" and then adjusted by deduction from that head and from the head of expenditure to which it was originally debited.

39. (1) *Form of transfer entry.*—Transfer entries shall always be made as soon as the necessity for them is discovered, but no such adjustment shall be made in accounts which have been finally closed for the year.

(2) Every transfer entry shall be entered in Form No Cant.-10-B, shewing the head or heads of account to be debited and the head or heads of account to be credited and the grounds upon which the adjustment is made. The entry shall be initialled by the Executive Officer and shall then be entered in the classified abstract of receipts and expenditure in the place provided.

*Explanation.*—In the case of the two heads "Advances" on the receipt side and "Deposits" on the expenditure side, entries under which will be mainly on account of adjustment by addition, the items may be entered in the body of the classified abstract instead of at the foot thereof.

### *Annual Account.*

40. (1) *Annual Account.*—The Cantonment Authority shall prepare annually a consolidated account showing the receipts paid into, and payments made from, the cantonment fund, classified under the several major and minor heads contained in the budget estimate.

(2) The total of the details under each head of receipts and payments, as given in the consolidated account, shall agree exactly with the figures appearing against the entry "From 1st April to date" under the same heads in the classified abstract.

(3) A certificate shall accompany the consolidated account to the effect that the closing balance as shown in account has been compared with the balance as shown in the treasury pass-book and found to be correct.

(4) The consolidated account shall be forwarded in duplicate to the Accountant General who shall compare the two copies and forward one copy to the Officer Commanding-in-Chief, the Command, retaining the other copy in his own office for check by the auditor during audit with a view to furnishing the certificate of correctness prescribed by rule 12 (2).

<sup>1</sup>[(5) A copy of the consolidated account shall be posted by the Cantonment Authority on the Notice Board of the Office of the Cantonment Authority.]

41. *Consolidated annual statement.*—The Officer Commanding-in-Chief, the Command, shall forward to the Local Government, as soon as possible after the close of each financial year, a statement showing under the several major and minor heads of receipt and expenditure in the budget estimates, the actual income and expenditure of each of the cantonment funds in his Command for the preceding financial year, together with a certificate showing that the closing cash balance of each fund, as shown in the annual account prescribed by rule, has been compared with the balance as shown in the treasury pass-book and has been found to be correct.

#### *Miscellaneous Advances.*

42. *Miscellaneous advances.*—All advances other than permanent advances and advances from the provident fund shall be made by the Cantonment Authority and entered in a register in Form No. Cant. 11-B. All the advances outstanding at the end of the previous year shall be first entered and thereafter each advance made during the year shall be entered as soon as it is made. The total of the advances made during every month as shown in this register shall be agreed with the corresponding monthly total shown in the classified abstract, and the former shall be initialled by the Executive Officer in token of such agreement. The Executive Officer shall be responsible for the recovery of all such advances and shall bring to the notice of the Cantonment Authority any case in which the recovery has not been made in due time. When an advance is recovered in cash, or adjusted by deduction from a bill or by transfer entry, the amount shall be noted against the original advance in the column for the month in which the recovery or adjustment is made.

<sup>1</sup> Inserted by Notification No. 23-I., dated the 16th January, 1929. *Gazette of India*, 1929, Pt. I, p. 22.



Adjustment by bill shall not be made unless such bill has been accepted and passed.

The monthly columns for recoveries shall be totalled at the end of the month and the total shall be agreed with the corresponding credit under "Advances" in the classified abstract of receipts and initialled by the Executive Officer.

The register shall be balanced at the end of the year and the outstanding balances carried forward to the next year.

### *Scrutiny of Bills.*

43. (1) *Scrutiny of bills.*—In addition to accounting for all the expenditure incurred, it shall also be the duty of the Executive Officer to see that no charge is paid twice over, and that budget allotments are not exceeded.

(2) To guard against the possibility of double payments and other irregularities and complications in accounts and also in order to keep a watch on liabilities and their adjustment, a personal ledger may be kept by the Cantonment Authority in Form No. Cant. 12-B, for persons with whom business is continuously carried on or a running account is kept.

(3) When work is done for private persons for which payments have to be made to the person doing the work and recoveries are made from the persons for whom the work is done, separate accounts shall be kept in the personal ledger for the person doing the work and for the person for whom the work is done and cross references given.

## CHAPTER IV.—ESTABLISHMENT AND CONTINGENT CHARGES.

### *Scale Register.*

44. (1) *Scale register.*—The entire establishment of the Cantonment Authority shall be recorded, under the signature of the Executive Officer, in a scale register in Form No. Cant. 13-B. For the purposes of pay and audit, establishments which are charged under different major heads of the budget estimates shall be treated as distinct establishments and shall be distributed into "sections" a separate page being allotted to each section in the scale register. The "sections" in the register shall exactly correspond with those in the pay bill.

(2) Temporary establishment shall be recorded separately from the permanent establishment at the end of the space allotted for the latter.

the period for which the temporary establishment has been sanctioned being distinctly specified in the column of remarks.

*Explanation.*—By temporary establishment is meant establishment which is employed and paid by the month. Daily labour is not included in the term temporary establishment and is a contingent and not an establishment charge.

(3) All other fixed recurring charges, *e.g.*, rents, contributions, etc., shall be recorded in a separate page of the scale register.

### *Revision of establishment.*

45. *Proposals for revision of establishment.*—When any change, permanent or temporary, is proposed in the number, or pay, of appointments in the establishment of the Cantonment Authority, a letter fully explaining the proposals and the conditions which have given rise to them shall be submitted to the Officer Commanding-in-Chief, the Command. In this letter should be set out—

- (i) the present cost, either of the “section” or “sections” affected, or of the total establishment, as the circumstances of the case may indicate to be necessary;
- (ii) the cost of the revision;
- (iii) details of the number and pay of the appointments which it is proposed to add or modify;
- (iv) the ability of the Cantonment Authority to meet the additional expenditure from its normal income; and
- (v) the date or dates from which the proposed changes are to take effect.

46. (1) *Proposition statement.*—In cases of general revision of establishment, or of proposals which cannot be set out clearly otherwise, a proposition statement in duplicate in Form No. Cant. 14-B shewing clearly the financial effect of the proposed change shall also be submitted.

(2) If the change would affect only a section or a portion of the establishment, the proposition statement shall ordinarily be confined to the section or the portion of the establishment affected by the proposals.

47. *Sanction for revision of establishment.*—On receipt of the proposals for permanent or temporary changes in the establishments the Officer Commanding-in-Chief, the Command, may sanction or refuse to sanction any such revision, or may sanction it with such modifications as he may consider fit. The statement of revision shall then be returned to the Cantonment Authority as early as possible with the sanction or modification, and shall be filed for reference at the time of audit.

48. (1) *Pay bills.*—The pay of the establishment of a Cantonment Authority shall not be drawn or paid before the first working day of the month succeeding that by the labour of which it has been earned or on such other day after the first working day of the month as the Cantonment Authority may direct. In cases of dismissal, transfer, resignation or death pay shall be drawn and disbursed immediately after it becomes due.

(2) The pay of the entire permanent establishment of the Cantonment Authority shall be drawn on one monthly pay bill in Form No. Cant. 15-B; the names of incumbents on less than Rs. 10 may be omitted from the pay bill.

(3) When pay is drawn for a portion of a month only, the rate at which, and the number of days for which, it is drawn, shall be entered in column 1 under the name of the incumbent. Pay, officiating pay and leave salary, whether drawn or not, shall be entered in columns 3 to 6. Pay, officiating pay and leave salary not drawn but held over for future payment shall be entered in column 7, the reason for their being held over being briefly noted. When the amount is subsequently drawn on a supplementary bill reference to the drawal shall be given in the original bill from which the charge was withheld in order to prevent a second claim being entertained. The establishment of each section shall be grouped, marked off by a line and totalled separately in red ink.

(4) Arrear pay shall not be drawn in the ordinary monthly bill, but in a separate bill, the amount claimed for each month being entered separately with quotation of the bill from which the charge was omitted or withheld or on which it was refunded by deduction, or of any special order granting with retrospective effect a new allowance. Such bills may be paid at any time and may include as many items as are necessary.

(5) The pay of all temporary establishments shall be billed for separately in the same form, the sanction being quoted.

(6) Officials absent on leave or deputation or under suspension shall be clearly shown as such in the monthly pay bills and any officiating arrangements that may have been made shall be noted.

(7) Fines shall not be recovered in cash from the pay of establishments, but shall be entered in column 8 of the pay bill.

(8) The pay of daily labourers shall be drawn on muster rolls.

49. *Production of last pay certificate by official transferred to the Cantonment Authority.*—In the case of officials transferred to the

service of the Cantonment Authority from Government service or service under another local authority and drawing pay for the first time from the Cantonment Authority, payment shall be made only on production of a last pay certificate.

50. *Separate cheque for the amount payable to the Provident Fund.*—Two cheques shall be drawn in payment of a pay bill, one in favour of the President or Executive Officer for the net amount payable (column 12) and the other in favour of the Imperial Bank of India or the Postmaster for the subscriptions and contributions to the Provident Fund (total of columns 11 and 14).

NOTE.—(i) Income-tax should be credited to Government in accordance with local practice. A cheque for the amount may be drawn in favour of the Income-tax officer or his nominee, or the amount may be included in the cheque for the pay drawn for the establishment and the cheque endorsed "Pay by transfer credit to Government on account of income-tax Rs....."

NOTE.—(ii) Care should be taken to see that the amount in column 14 representing the contributions to the Provident Fund by the Cantonment Authority is posted in the classified abstract under the sub-head "Contribution to Provident Fund", the remainder of the bill being taken to the head for the pay of the establishment concerned.

### *Distribution of pay.*

51. (1) *Distribution of pay.*—When the pay bill has been drawn the money shall be promptly disbursed to the payees concerned and their signatures taken in the proper column of the bill, which shall be stamped, if necessary, by the payee. If the payee does not present himself before the end of the month, his pay shall be refunded by short-drawal on the next bill and re-drawn when he presents himself.

(2) The officer signing a pay bill is personally responsible for all pay and leave salaries drawn thereon until the same have been paid to the proper recipients and the latter have signed a quittance for the same. When the recipient is illiterate his thumb impression or seal shall be taken.

(3) Pay and leave salaries shall be disbursed by the Executive Officer in person or by such other official of the Cantonment Authority as the Cantonment Authority may direct.

52. *Acquittance Roll.*—If in any case it is impracticable to obtain the payee's receipt on the bill itself, and in the case of employees on less than Rs. 10 whose names may have been omitted from the pay bill, a separate acquittance roll in the following form may be obtained and attached to the bill, a remark to this effect being made in column 13 of the bill.



54. *Provident Fund ledger.*—For subscribers to the Provident Fund, a Provident Fund ledger in Form No. Cant. 16-B, and broadsheet in Form No. Cant. 17-B shall be maintained and written up in accordance with the following provisions:—

- (1) Amounts credited or debited to the Provident Fund shall, on the same day, be posted in the provident fund ledger, the credit side of which shall tally with the entries in the pay bill.
- (2) The entries in column 7 of the ledger shall except in the case provided by clause (5) be made once a year only.
- (3) As soon as possible after the close of the month, the minimum balance at the credit of the account between the close of the 4th day and the end of the month, shall be entered in column 14 of the ledger and carried into the broadsheet.
- (4) At the close of the financial year the columns of the broadsheet shall be totalled, and the amount of interest added by the Imperial Bank of India or Post Office in the pass-book on the entire amount of the sums deposited during the year to the credit of the Cantonment Authority, less any amount already entered during the year under clause (5), shall be distributed among the individual accounts proportionately to the sums of each column (disregarding fractions of a rupee) of the broadsheet.

The 'total of interest payable' shall correspond with the amount of interest added by the Imperial Bank of India or the Post Office.

- (5) When an account is paid, transferred, or closed, interest shall be calculated on that account only, as nearly as possible in accordance with the rules in force in the Imperial Bank of India or the Post Office.

The amount of interest calculated shall be entered in column 7 of the ledger against the account concerned and in the appropriate place in the broadsheet, before payment is made.

- (6) At the close of each month, the grand total of column 13 of the provident fund ledger for such month shall be compared with the closing balance shown in the Imperial Bank of India (Savings Bank) or the Post Office Savings Bank pass-book and any discrepancy explained in a footnote in the ledger.

55. *Dead accounts.*—When an account is written off under the Cantonment Provident Fund Rules as a dead account it shall be closed in

the provident fund ledger, and the money shall be drawn out of the Savings Bank and credited in the general cash book as a miscellaneous receipt. If the amount is subsequently claimed, the fact of payment shall be noted against the entry in each account book to avoid a double payment.

56. *Register of advances.*—The recovery of advances made from the Provident Fund shall be watched through a register in the same form as, but kept separate and distinct from, the Register of Advances (Form No. Cant. 11-B). The entries of repayment in this register shall be made from the pay bills. The instalments of the advance as recovered shall be noted in column 11 of the pay bill and added to the monthly subscription shown therein, a note being made in the remarks column of both the bill and the ledger to show how much is on account of recovery of advance and how much on account of the monthly subscription.

#### *Contingent charges.*

57. (1) *Contingent charges.*—All miscellaneous charges for which forms have not been prescribed elsewhere in these rules, shall be drawn in a contingent bill in Form No. Cant. 18-B, unless the claimant presents his own bill or statement of account, in which case payment shall be made on that document.

(2) In the case of travelling allowance the following details shall be furnished in the bill:—

- (a) Name and designation of the officer.
- (b) Maximum pay of the appointment.
- (c) Dates and hours of journeys and halts.
- (d) Route from and to.
- (e) Purpose of journey.
- (f) By rail or otherwise, etc.
- (g) If by road, the number of miles.

#### *Permanent Advances.*

58. *Holder of a permanent advance.*—An Executive Officer or any official whose duties cause him to incur petty expenses which must be paid before money can be drawn on a contingent bill may, with the sanction of the Cantonment Authority, be allowed a permanent advance of an amount fixed on the supposition that recoupments will be made at least once a month.

All permanent advances shall be recorded in a register in Form No. Cant. 19-B.

59. *Acknowledgment of a permanent advance.*—Each holder of a permanent advance shall on first receiving it and thereafter on the 1st of April in each year, sign an acknowledgment in these terms—

“ I acknowledge to have in my possession a permanent advance  
of Rs.                      which sum is due from and to be accounted  
for by me.”

On transfer of charge of an office a similar acknowledgment for the full amount shall be signed by the relieving officer and shall be filed.

60. *Permanent advance account.*—Each officer holding a permanent advance shall keep up a permanent advance account in Form No. Cant. 20-B, in which shall be entered the items of expenditure from the advance as they occur. All sub-vouchers and receipts shall be preserved and assigned a serial number to be entered in the advance account. The headings of the columns shall follow the items in the budget estimates and the serial number of the sub-vouchers shall always recommence with No. 1 after each recoupment.

61. (1) *Recoupment of permanent advance.*—When the cash in hand is running low, and at the end of the financial year, whatever the amount in hand may then be, the permanent advance shall be recouped as follows:—

A red line shall be ruled across the page of the permanent advance account, the total of the items cast, and a contingent bill prepared in Form No. Cant. 18-B, in which full details of expenditure shall be given. The contingent bill shall be supported by vouchers. The officer responsible for the permanent advance shall compare the contingent bill with his permanent advance account, initial the grand total in the latter, and having stamped the sub-vouchers as “cancelled” sign the contingent bill, and submit it to the cantonment office for payment.

The recoupment of expenditure from the last recoupment to date, shall always be made in full so that the amount in hand will be the full amount of the advance.

(2) In the case of recoupment of the permanent advance held by the Executive Officer or any other official authorised to hold it the disbursement certificates and payment order may be recorded in the permanent advance account register itself and a contingent bill need not be prepared.



## CHAPTER V.—PUBLIC WORKS, STORES AND STOCK ACCOUNTS.

### *Public Works.*

62. (1) *Application of rules.*—Rules 63, 64, 65 and 66 apply only to works executed by the Cantonment Authority through its own agency.

(2) The duties prescribed in rules 63, 64 and 65 shall, save as otherwise provided, be performed by the Executive Officer or by such official of the Cantonment Authority as the Cantonment Authority may by special or general order prescribe.

63. *Register of works.*—An account of all works shall be kept in a register of works in Form No. Cant. 21-B, to be maintained in the cantonment office. Columns 1-6 shall be filled in after the estimate has been sanctioned by the competent sanctioning authority. The estimate shall be in the following form:—

Estimate No..... Date.....Particulars.  
(including time to be taken, materials, etc.)

[illegible]**Measurement Book.**

64. (1) *Measurement book*.—All works done (whether by contract, or by piece) and all materials received which have to be counted or measured shall be measured by the Overseer or other official deputed for the duty of taking measurements and the measurements shall be entered

in a measurement book in Form No. Cant. 22-B, under his dated initials. Entries may be in pencil except the figures for "contents" which shall be in ink.

(2) The measurements so recorded shall be checked by the official in charge of the work and the book initialled and dated by him. The calculations in the measurement book shall be checked in the office.

(3) From the measurement book all quantities shall be clearly traceable in the bill, and when a bill is passed a diagonal line in red ink shall be drawn across the connected entries in the measurement book, and a reference quoted therein to the number and date of the bill.

(4) The measurement books shall be serially machine numbered and when completed shall be filed in the cantonment office where their return shall be watched through the stock book of forms.

### *Bills.*

65. (1) *Contractors' bills.*—Contractors' bills shall be submitted and paid monthly, final bills being marked clearly as such.

Before payment the bill shall be compared with the plans and estimates, if any, and checked with the measurement book by the official in charge of the work, who shall then countersign it and pay it from his permanent advance or pass it for payment to the cantonment office.

(2) The page of the measurement book shall be noted on the bill at the time it is passed, and the serial number in the register of works shall be similarly noted at the time the bill is entered in such register.

(3) In the case of work carried out by daily labour, a muster roll in Form No. Cant. 23-B, shall be maintained by the official in charge of the work, and shall be written up daily by the Overseer or official deputed for the purpose.

### *Completion Report.*

66. *Completion report.*—Final payment for a work shall not be made until a completion report has been made by the official appointed by the Cantonment Authority in this behalf that the work has been satisfactorily carried out in accordance with the sanctioned plans and estimates, material variations, if any, being explained.

### *Estimates for Stores.*

67. *Stores estimates.*—The Cantonment Authority shall cause to be prepared for each department, e.g., public works, conservancy, light-

ing, etc., an estimate in the following form for the stores required during the ensuing financial year:—

Description of stores.	Balance in hand on (date).	Number or quantity required.	Number or quantity to be pur- chased.	Estimated cost.	REMARKS.

This estimate shall be accompanied by a statement showing, how the estimated requirements have been arrived at.

68. (1) *Consideration of estimate.*—The estimate shall be considered by the Cantonment Authority along with the budget and orders shall be passed thereon as to whether tenders are to be invited for the supply, or whether the stores are to be purchased in the open market at rates approved by the Cantonment Authority.

(2) When the annual estimate has been passed by the Cantonment Authority the Executive Officer or any official authorised by the Cantonment Authority in this behalf may obtain stores as required from time to time up to the amount in the sanctioned estimate at the rates in the accepted tender, or the rates approved by the Cantonment Authority, as the case may be.

69. (1) *Supplementary estimate.*—If any stores are required which are not included in the sanctioned estimate, or in excess of the amount or quantity entered therein, or which cannot be obtained at the rates approved of by the Cantonment Authority, a supplementary estimate shall be submitted for the special sanction of the Cantonment Authority provided that in cases of emergency the President of a Cantonment Board may sanction such estimate and lay it before the Board for approval at the next meeting.

(2) In cantonments where there is no Board, the estimate shall be sanctioned by the Commanding Officer of the cantonment.

#### *Register of Immoveable Property.*

70. *Register of immoveable property.*—A list of immoveable property belonging to the Cantonment Authority shall be maintained by the Cantonment Authority in a register in Form No. Cant. 24-B.

The original cost of the property or a valuation made by the Executive Engineer, as well as the cost of any additions made to it from time to time or any decrease in value shall be noted in this register. If the property is rented out or sold a note to this effect shall be made in the remarks column under the dated initials of the Executive Officer.

#### *Register of Moveable Property.*

71. *Register of moveable property.*—All moveable property of a permanent or durable nature such as engines or machines, conservancy and road, watering carts and animals, lamps, lamp posts, lawn-mowers, meters, furniture, etc., shall be recorded in a register of moveable property in Form No. Cant. 25-B, under the initials of the Executive Officer or such other official as the Cantonment Authority may direct, or in the case of departments under the direct supervision of a separate official, under the initials of that official. When the property is disposed of finally by sale or otherwise, the particulars of disposal shall be entered in columns 8—12 under the initials of the Executive Officer or official, as the case may be, who shall be responsible that the register is a complete record of such moveable property belonging to the Cantonment Authority as is required to be shown therein.

#### *Stock Books.*

72. (1) *Stock books.*—For expendable stores such as public works and workshop stores, fodder, gram, disinfectants, oils, chimneys, spare parts,

etc., stock books shall be kept by the officials in charge of the departments or stores, in Form No. Cant. 26-B., in which a separate page or pages, according to requirements, shall be allotted to each kind of store.

(2) When any articles are sold to the public or used on works done for private persons, the entry in column 7 of the stock book shall clearly indicate to whom the things have been sold or on what particular work they have been used, and necessary references shall be given in the remarks column to admit of the recovery or adjustment of the cost being traced to the appropriate account.

(3) The stock books shall be closed monthly and the balances verified by the officer who keeps the book, and the fact of verification with the date noted under his initials in the column of remarks.

(4) All expendable stores in hand shall be re-valued within the market rates at the end of each half-year.

73. *Checking of books with stock books and registers before payment.*—Before a bill is passed for payment the officer passing the payment order shall see that the articles billed for have been entered in the appropriate stock book or the property register, as the case may be, and that a reference to the entry in the register is quoted in the bill.

### *Lighting.*

74. *Lighting scale.*—To enable the Cantonment Authority to exercise a check upon the quantity of oil consumed, a scale shall be prepared, showing the quantity of oil consumed in a given time by lamps of the different patterns in use in the cantonment. A copy of the sanctioned scale shall be kept in each oil godown. The Executive Officer or official in charge of lighting shall periodically check the consumption of oil by comparison with this scale.

### *Verification of Property.*

75. *Verification of property.*—The whole of the moveable property of the Cantonment Authority as recorded in the stock books or register of moveable property shall be verified by the Executive Officer at such intervals, not exceeding one year, as the Cantonment Authority may prescribe.

The verifying officer shall initial the entries in the registers, and furnish a separate certificate indicating the results of his verification.

CHAPTER VI.—MISCELLANEOUS.

*Register of Loans.*

76. *Register of loans.*—All loans received by the Cantonment Authority shall be recorded in a register of loans in Form No. Cant. 27-B., each instalment of the loan, as it is taken, being recorded in column 4. Each entry in the register shall be attested by the Executive Officer. A separate page shall be opened for each loan; and loans from Government shall be kept distinct from loans received from other sources.

*Register of Investments.*

77. *Register of investments.*—A record of all investments shall be maintained in a register of investments in Form No. Cant. 28-B. Each entry therein shall be attested by the Executive Officer. Government securities shall be kept distinct from other investments.

*Registers of Deposits.*

78. (1) *Register of deposits.*—All deposits made with a Cantonment Authority, otherwise than in cash, e.g., Government paper, or other stock, or security bonds, shall be recorded in a security deposit register in Form No. Cant. 29-B. In the case of bonds, if property is hypothecated, a brief description of the property shall be given in the remarks column, and the heading of column 10 shall be changed to "name of depositor".

(2) Deposits in cash shall be noted in a Register of Deposits in Form No. Cant. 11-B. Separate sets of pages shall be set aside for each class of deposit, and each part of the register shall open with the details of the outstanding balances of the previous year as shown in the register of that year. The deposits received during the year shall then be entered in the proper part as each transaction occurs. At the end of the month a total of the deposits received during it shall be made and the total reconciled with the corresponding figure in the monthly classified abstract and initialled by the Executive Officer.

Repayments in cash or by transfer shall be noted against the original credit in the column for the month in which the refund is made and a total of the postings shall be made at the end of the month and agreed with the corresponding figure in the classified abstract. Unclaimed deposits, which under rule have not already been transferred to the credit of the cantonment fund, shall on the expiry of three years be so transferred by transfer entry in the manner described in rule 88 (a). A deposit once credited to the cantonment fund shall not be repaid without the sanction of the Cantonment Authority.

*Annual verification of Securities.*

79. *Annual verification of securities.*—Securities shall be examined and verified by the 1st of April of each year, and a certificate of verification shall be given by the Executive Officer in the remarks column of the register against each entry therein.

*Statement of dues realized by Courts.*

80. *Statement of dues realized by courts.*—Courts realizing fines, which under any law in force are creditable to the cantonment fund, or arrears of a cantonment tax, shall submit to the Cantonment Authority a monthly statement of the sums remitted by them direct into the treasury for credit to the cantonment fund. Sums so received shall be brought to account direct from the pass book into the general cash book, before the latter is closed for the month: provided that, on the receipt of the monthly statement, the entries therein shall be checked with the pass book and any discrepancy reconciled before any entry is made in the general cash book.

If a refund is ordered, a note of the refund shall be made against the original credit entry in the monthly statement concerned before payment of the refund is made.

*Stamp Account.*

81. *Stamp Account.*—In order to enable a check to be kept upon the number of stamps expended by each department using stamps upon the business of the Cantonment Authority, a stamp register shall be maintained in Form No. Cant. 80-B. This register shall be used primarily for postage stamps, but also for receipt or other stamps, separate pages being allotted for each description, and columns 5 and 6 being modified as required. The balance of stamps in hand shall be verified once a month by the official in charge of the department, who shall make a note of the verification in the remarks column under his signature. This register will also serve the purpose of a despatch register.

*Filing of Vouchers.*

82. *Filing of vouchers.*—Vouchers and *chakans* shall be numbered serially for each month, and shall be filed with the sub-vouchers in support of them in guard-files in the cantonment office.

Acquittance rolls may be filed separately in the cantonment office.

*Indent for Forms.*

83. *Indent for forms.*—The Cantonment Authority shall obtain all forms prescribed by these rules or by other rules under the Act from the Deputy Controller (Forms) Calcutta. On or about the 1st November in each year an indent in a form to be obtained from the said Deputy Controller shall be sent to that officer for the forms likely to be required during the following financial year. The cost of the forms supplied shall be paid immediately on receipt of advice from the Deputy Controller of the amount due.

*Stocks of Forms.*

84. (1) *Stocks of forms.*—An account of all forms shall be kept in the stock book (Form No. Cant. 26-B) in the cantonment office. In the case of forms in which receipts for money received are granted, the entry in columns 4 and 8 shall clearly indicate the printed book or other number of the books received and issued. The books shall be issued in serial order and a new book shall not be issued until all forms in the book it replaces have been used and the book with the counter-foils returned, a note of the return being made in the remarks column under the dated initials of the issuing official.

(2) The balance of forms in stock shall be verified periodically by the Executive Officer.

(3) Vouchers, registers and other forms shall not be eliminated or destroyed otherwise than in accordance with the general rules regulating the retention or destruction of cantonment accounts records contained in the First Schedule to these rules.

*Custody of Valuables.*

85. *Custody of valuables.*—Government promissory notes and similar valuables belonging to Cantonment Authorities shall be kept in the treasury in a strong box, the keys of which shall remain with such person as the Cantonment Authority may direct.

*Minimum Balance*

86. *Minimum balance.*—The actual cash balance of the Cantonment Authority shall not, without the previous consent of the Officer Commanding-in-Chief, the Command, be less than one-tenth of its estimated annual expenditure. Such sum shall not include invested funds.



SCHEDULE I.

[SEE RULE 84 (3).]

*Rules regulating the destruction of cantonment accounts records.*

*Class I.*—Shall be retained permanently:—

- (1) General Cash book (Form No. Cant. 8-B).
- (2) Provident Fund ledger (Form No. Cant. 16-B).
- (3) Register of immoveable property (Form No. Cant. 24-B).
- (4) Annual accounts (rule 40).
- (5) Register of loans (Form No. Cant. 27-B).
- (6) Register of investments (Form No. Cant. 28-B).
- (7) Security deposit register (Form No. Cant. 29-B).
- (8) Such other records as the Cantonment Authority may decide to be of permanent interest.

*Class II.*—Shall not be destroyed until ten years after conclusion of audit—

- (1) Vernacular registers of which there are English counterparts or abstracts which are retained permanently.
- (2) Assessment lists.
- (3) Registers in the nature of Demand and Collection registers.
- (4) Scale register (Form No. Cant. 13-B).
- (5) Cash books other than the General Cash book.
- (6) Register of moveable property (Form No. Cant. 25-B).
- (7) Register of permanent advances (Form No. Cant. 19-B).

*Class III.*—Shall not be destroyed until five years after conclusion of audit—

- (1) Subsidiary cash register (Form No. Cant. 3-B).
- (2) Classified abstract (Form No. Cant. 9-B).
- (3) Personal ledger (Form No. Cant. 12-B).
- (4) Register of works (Form No. Cant. 21-B).
- (5) Measurement book (Form No. Cant. 22-B).
- (6) Register of advances or deposits (Form No. Cant 11-B).

*Class IV.*—Shall not be destroyed until three years after conclusion of audit—

All records other than those mentioned in Classes I to III.

## SCHEDULE II.

### FORMS.

- Form Cant. 1-B.*—Budget estimate.
- Form Cant. 1-B (Appendix A).*—Statement of original works
- Form Cant. 1-B (Appendix B).*—Statement of investments.
- Form Cant. 2-B.*—Re-appropriation statement.
- Form Cant. 3-B.*—Subsidiary Cash register.
- Form Cant. 4-B.*—General receipt.
- Form Cant. 5-B.*—Chalan in duplicate.
- Form Cant. 5-A. B.*—Chalan in triplicate.
- Form Cant. 6-B.*—Treasury pass-book.
- Form Cant. 7-B.*—Cheque.
- Form Cant. 8-B.*—General Cash book.
- Form Cant. 9-B.*—Classified abstract.
- Form Cant. 10-B.*—Transfer entry form.
- Form Cant. 11-B.*—Register of advances or deposits.
- Form Cant. 12-B.*—Personal ledger.
- Form Cant. 13-B.*—Scale register.
- Form Cant. 14-B.*—Proposition statement.
- Form Cant. 15-B.*—Pay bill.
- Form Cant. 16-B.*—Provident Fund ledger.
- Form Cant. 17-B.*—Provident Fund broadsheet.
- Form Cant. 18-B.*—Contingent bill.
- Form Cant. 19-B.*—Register of permanent advances.
- Form Cant. 20-B.*—Permanent advance account.
- Form Cant. 21-B.*—Register of works.
- Form Cant. 22-B.*—Measurement book.
- Form Cant. 23-B.*—Muster-roll.
- Form Cant. 24-B.*—Register of immoveable property.
- Form Cant. 25-B.*—Register of moveable property.
- Form Cant. 26-B.*—Stock book.
- Form Cant. 27-B.*—Register of loans.
- Form Cant. 28-B.*—Register of investments.
- Form Cant. 29-B.*—Register of security deposits.
- Form Cant. 30-B.*—Stamp Account.

Form No. Cant. 1-B. [Rule 16 (3)].

(To be printed on foolscap breadthwise, one side.)

*Budget Estimate of Receipts of the Cantonment Fund for the financial year 19 -19 .*

Heads of Receipts.	Average, 19 -19 to 19 -19 (past three years).	Actuals, 19 -19 (past year).	ESTIMATES 19 -19 (CURRENT YEAR).		Estimate, 19 -19 (ensuing year).	Explanatory Remarks.
			Original.	Revised.		
	Rs.	Rs.	Rs.	Rs.	Rs.	
<b>I.—RATES AND TAXES.</b>						
(a) Octroi . . . . .						
(b) Tax on the annual value of lands and buildings.						
(c) Tax on animals and vehi- cles.						
(d) Tax on trades and pro- fessions.						
(e) Tolls (on roads and ferries)						
(f) Water-rate . . . . .						
(g) Conservancy or scaveng- ing tax.						
(h) Other taxes * . . . .						
Total of I . . . . .						
<b>II.—REALIZATIONS UNDER SPECIAL ACTS.</b>						
(a) Pounds . . . . .						
(b) Hackney-carriages . . .						
(c) Other sources * . . . .						
Total of II . . . . .						
<b>III.—REVENUE DERIVED FROM PROPERTY AND POW- ERS APART FROM TAXATION.</b>						
(a) Land—						
(1) Sale-proceeds of land						
(2) Rent from land the property of Gov- ernment.						
(3) Rent from land other than the property of Government.						
Carried over . . . . .						

\* To be specified in detail.

*Budget Estimate of Receipts of the Cantonment Fund for the  
financial year 19 -19 —contd.*

Heads of Receipts.	Average, 19 -19 to 19 -19 (past three years).	Actuals, 19 -19 (past year).	ESTIMATES, 19 -19 (CURRENT YEAR).		Estimate, 19 -19 (ensuing year).	Explanatory Remarks.
			Original.	Revised.		
	Rs.	Rs.	Rs.	Rs.	Rs.	
Brought forward .						
(4) Sale of trees, fruit, grass, wood, etc.						
(5) Public gardens receipts						
(6) Other items * .						
(b) Buildings—						
(1) Income from buildings the property of Government.						
(2) Income from buildings other than the pro- perty of Govern- ment.						
(i) Sarais . . .						
(ii) Rest-houses . .						
(iii) Dak bungalows .						
(iv) Other buildings * .						
(c) Conservancy receipts (other than Taxes and Rates)—						
(1) Sale-proceeds of night- soil and sweepings.						
(2) Other receipts * .						
(d) Fines under Cantonment and other Acts.						
(e) Fees and revenue from educational institutions.						
(f) Fees and revenue from medical institutions.						
(g) Income from markets and slaughter-houses—						
(1) Markets . . .						
(2) Slaughter-houses .						
(h) Other revenue—						
(1) Warrant fees . .						
(2) Distraint fees . .						
(3) Copying fees . .						
(4) Registration fees .						
(5) License fees . .						
Carried over .						

\* To be specified in detail.

*Budget Estimate of Receipts of the Cantonment Fund for the  
financial year 19 -19 —contd.*

Heads of Receipts.	Average, 19 -19 to 19 -19 (past three years).	Actuals, 19 -19 (past year).	ESTIMATES 19 -19 (CURRENT YEAR).		Estimate, 19 -19 (ensuing year).	Explanatory Remarks.
			Original	Revised		
Brought forward .	Rs.	Rs.	Rs.	Rs.	Rs.	
(6) Bonded ware-house receipts.						
(7) Sale of water—						
(i) Sale-proceeds of water.						
(ii) Rent of meters .						
(iii) Other items * .						
(8) Fairs . . . . .						
(1) Other items * . .						
(j) Interest on Investments .						
Total of III .						
IV.—MISCELLANEOUS.						
(a) Recoveries on account of services rendered to private individuals.						
(b) Other items * . . .						
Total of IV .						
Total receipts from local sources.						
V.—GRANTS AND CONTRIBUTIONS FROM GENERAL AND SPECIAL SOURCES.						
(a) Grants-in-aid from Head II—I Administration of cantonments.						
from . . . . .						
from 1 . . . . .						
(b) Contributions . . .						
Total of V .						
Total income from all sources						

\* To be specified in detail.

*Budget Estimate of Receipts of the Cantonment Fund for  
the financial year 19 -19 —concl'd.*

Heads of Receipts.	Average, 19 -19 to 19 -19 (past three years).	Actuals, 19 -19 (past year).	ESTIMATES, 19 -19 (CURRENT YEAR).		Estimate, 19 -19 (ensuing year).	Explanatory Remarks.
			Original	Revised		
	Rs.	Rs.	Rs.	Rs.	Rs.	
Brought forward .						
<b>VI.—EXTRAORDINARY AND DEBT.</b>						
(a) Sale-proceeds of Govern- ment securities and with- drawals from Savings Bank.						
(b) Loans from Government.						
(c) Realisation from sinking funds for repayment of loans.						
(d) Advances . . .						
(e) Deposits . . .						
Total of VI .						
Opening balance .						
GRAND TOTAL .						

Secretary, Cantonment Board.

President, Cantonment Board,  
Officer Commanding the Station.

OFFICE OF THE CANTONMENT AUTHORITY.

Dated

19 .

Sanctioned.

Officer Commanding-in-Chief,  
Command.

Station

Dated

*Budget Estimate of Expenditure of the Cantonment Fund for  
the financial year 19 -19 .*

Heads of Expenditure.	Average, 19 -19 to 19 -19 (past three years).	Actuals, 19 -19 (past year).	ESTIMATES 19 -19 (CURRENT YEAR).		Estimate, 19 -19 (ensuing year).	Explanatory Remarks.
			Original.	Revised.		
	Rs.	Rs.	Rs.	Rs.	Rs.	
<b>A.—GENERAL ADMINISTRATION.</b>						
(1) Executive Officer . . .						
(2) Establishments . . .						
(3) Contingencies . . .						
Total of A . . .						
<b>B.—COLLECTION OF REVENUE.</b>						
(1) Octroi—						
(a) Establishments . . .						
(b) Contingencies . . .						
(2) Other taxes—						
(a) Establishments . . .						
(b) Contingencies . . .						
(3) Miscellaneous Revenue—						
(a) Establishments . . .						
(b) Contingencies . . .						
Total of B . . .						
<b>C.—REFUNDS.</b>						
(1) Octroi . . . . .						
(2) Other taxes . . . . .						
(3) Miscellaneous refunds . . .						
Total of C . . .						
<b>D.—PUBLIC WORKS.</b>						
(1) Original works—						
(a) Buildings . . . . .						
(b) Roads . . . . .						
(c) Drainage . . . . .						
(d) Water supply . . . . .						
(e) Stores . . . . .						
(f) Miscellaneous public improvements.						
Outstanding . . . . .						

*Budget Estimate of Expenditure of the Cantonment Fund for  
the financial year 19 -19 —contd.*

Heads of Expenditure.	Average, 19 -19 to 19 -19 (past three years).	Actuals, 19 -19 (past year).	ESTIMATES, 19 -19 (CURRENT YEAR).		Estimate, 19 -19 (ensuing year).	Explanatory Remarks.
			Original.	Revised.		
	Rs.	Rs.	Rs.	Rs.	Rs.	
Brought forward .						
D.—PUBLIC WORKS—contd.						
(2) Maintenance and repairs—						
(a) Buildings . . . .						
(b) Roads . . . .						
(c) Drainage . . . .						
(d) Water-supply . . . .						
(e) Stores . . . .						
(f) Miscellaneous public improvements.						
(3) Establishments . . . .						
Total of D .						
E.—PUBLIC SAFETY AND CONVENIENCE.						
(1) Fire—						
(a) Establishment . . . .						
(b) Contingencies . . . .						
(2) Lighting—						
(a) Establishment . . . .						
(b) Contingencies . . . .						
(3) Dak bungalows, rest- houses and serais—						
(a) Establishment . . . .						
(b) Contingencies . . . .						
(4) Markets and slaughter- houses—						
(a) Establishment . . . .						
(b) Contingencies . . . .						
(5) Founds—						
(a) Establishment . . . .						
(b) Contingencies . . . .						
(6) Arboriculture, public gardens, tree-tending, forests, etc.—						
(a) Establishment . . . .						
(b) Contingencies . . . .						
Carried over ..						



*Budget Estimate of Expenditure of the Cantonment Fund for  
the financial year 19 -19 —contd.*

Heads of Expenditure.	Average, 19 -19 to 19 -19 (past three years).	Actuals, 19 -19 (past year).	ESTIMATES, 19 -19 (CURRENT YEAR).		Estimate, 19 -19 (ensuing year).	Explanatory Remarks.
			Original.	Revised.		
	Rs.	Rs.	Rs.	Rs.	Rs.	
Brought forward .						
E.—PUBLIC SAFETY AND CONVENIENCE— <i>contd.</i>						
(7) Rewards for destruction of wild or rabid animals and snakes.						
(8) Other items . . . .						
Total of E .						
F.—MEDICAL SERVICES AND SANITATION.						
(1) Hospitals and Dispen- saries—						
(a) Establishment .						
(b) Contingencies .						
(2) Vaccination—						
(a) Establishment .						
(b) Contingencies .						
(3) Registration of births and deaths—						
(a) Establishment .						
(b) Contingencies .						
(4) Latrines, drainage, con- servancy and scaveng- ing—						
(a) Establishment .						
(b) Contingencies .						
(5) Water supply—						
(a) Establishment .						
(b) Contingencies .						
(6) Watering of roads and drains—						
(a) Establishment .						
(b) Contingencies .						
(7) Epidemics, etc.—						
(a) Establishment .						
(b) Contingencies .						
Carried over .						

*Budget Estimate of Expenditure of the Cantonment Fund for  
the financial year 19 -19 —contd.*

Heads of Expenditure.	Average, 19 -19 to 19 -19 (past three years).	Actuals, 19 -19 (past year).	ESTIMATES, 19 -19 (CURRENT YEAR).		Estimate, 19 -19 ( ensuing year).	Explanatory Remarks.
			Original.	Revised.		
	Rs.	Rs.	Rs.	Rs.	Rs.	
Brought forward .						
<b>F.—MEDICAL SERVICES AND SANITATION—contd.</b>						
(8) Fairs and festivals—						
(a) Establishment .						
(b) Contingencies .						
(9) Other items . . .						
Total of F. .						
<b>G.—PUBLIC INSTRUCTION.</b>						
(1) Primary and Secondary Schools—						
(a) Establishment .						
(b) Contingencies .						
(c) Contributions and grants-in-aid to educational in- stitutions.						
(2) Pension service contribu- tions of teachers, libraries, museums, managements, etc.						
Total of G .						
<b>H.—CONTRIBUTIONS FOR GENERAL PURPOSES.</b>						
(1) Service funds—						
(a) Contribution to pro- vident fund.						
(b) Bonuses to provident fund.						
(2) Charitable and medical institutions.						
(3) Municipalities or Local Boards.						
(4) Imperial or Provincial funds towards services of Government servants lent to the Cantonment Authority.						
(5) Other contributions .						
Total of H .						

*Budget Estimate of Expenditure of the Cantonment Fund for  
the financial year 19 -19 —contd.*

Heads of Expenditure.	Average, 19 -19 to 19 -19 (past three years).	Actuals, 19 -19 (past year).	ESTIMATES, 19 -19 (CURRENT YEAR).		Estimate, 19 -19 (ensuing year).	Explanatory Remarks.
			Original.	Revised.		
Brought forward .	Rs.	Rs.	Rs.	Rs.	Rs.	
L.—PENSIONS, GRATUITIES AND ANNUITIES.						
J. SURVEY OF LAND.						
K.—AMOUNT CREDITED TO HEAD—						
Military Works on account of proceeds from Water-rate.						
L.—MISCELLANEOUS.						
(1) Interest on loans . . .						
(2) Discount . . .						
(3) Cost of work done for private individuals.						
(4) Office and miscellaneous expenses—						
(a) Stationery . . .						
(b) Printing . . .						
(c) Official postage and postage labels.						
(d) Telegrams . . .						
(e) Books, periodicals, and maps.						
(f) Charges on account of indigent persons sent to Pasteur Institutes for treat- ment.						
(g) Law charges . . .						
(h) Rents, rates and taxes						
(i) Charges for audit of cantonment fund accounts.						
(j) Miscellaneous . . .						
Total of L. .						
TOTAL EXPENDITURE .						

*Budget Estimate of Expenditure of the Cantonment Fund for the  
Orders under Acts locally applied.)*

Heads of Expenditure.	Average, 19 -19 to 19 -19 (last three years).	Actuals, 19 -19 (past year).	ESTIMATES, 19 -19 (CURRENT YEAR).		Estimate, 19 -19 (ensuing year).	Explanatory Remarks.
			Original.	Revised.		
Brought forward .	Ra.	Ra.	Ra.	Ra.	Ra.	
<b>M.—EXTRAORDINARY AND DEBT.</b>						
(1) Investments—						
(a) In securities (other than for sinking fund).						
(b) Savings Bank .						
(2) Payments to sinking fund						
(3) Repayment of loans .						
(4) Advances . . . .						
(5) Deposits . . . .						
Total of M .						
Closing balance . . .						
<b>GRAND TOTAL .</b>						

*Secretary, Cantonment Board.*

*President, Cantonment Board,*

*or*

*Officer Commanding the Station.*

OFFICE OF THE CANTONMENT AUTHORITY.

*Dated*

*19 .*

*Sanctioned.*

*Officer Commanding-in-Chief,*

*Command.*

*Station*

*Dated*

Form No. Cent. 1-B, Appendix A.

(To be kept in manuscript.)

Original works recommended in order of urgency in the Financial year 19 -19 .

\_\_\_\_\_ Cantonment.

Description of work.	Estimated cost.	Amount previously expended.	Amount required to complete.	Amount proposed for 19 -19 .	ESTIMATED ANNUAL INCOME.*				Remarks.
					Gross income	Estimated cost of upkeep and repairs.	Net income.		
					Based on column 2.				
1	2	3	4	5	6	7	8	9	

\* To be completed for remunerative works only.

Executive Officer.

President, Cantonment Board,

or

Officer Commanding the Station.

Dated

Form No. Cant. I-B, Appendix B [Rule 16 (e)].  
(To be kept in manuscript.)

*Statement showing the actual investment of the Cantonment Fund together with the probable additions to, or reductions thereof, as well as the interest actually realised or expected to be realised during the period shown.*

Particular of investment	Opening balance.	Amount invested or proposed to invest.	Total.	Amount realised or intended to realise.	Closing balance.	Interest.	With whom investment is deposited.	Remarks.
Past year 19 - 19 .								
Current year 19 -19 .								
Ending year 19 -19 .								

\_\_\_\_\_ Cantonment.

Form No. Cant. 2-B. [Rule 20 (2)].

(To be printed on half foolscap lengthwise on loose sheets.)

*Statement of proposed re-appropriation in the Cantonment Fund Budget Estimate for 19 -19 .*

HEADS OF ACCOUNT AFFECTED BY THE PROPOSAL.										
HEADS OF ACCOUNT PROPOSED TO BE INCREASED.					HEADS OF ACCOUNT PROPOSED TO BE DECREASED.					
Major Head.	Minor head and sub-head.	Amount of original grant.	Amount and authority for any re-appropriation by which original grant may have been increased or decreased.	Increase now proposed.	Major head.	Minor head and sub-head.	Amount of original grant.	Amount and authority for any re-appropriation by which original grant may have been increased or decreased.	Anticipated saving now available for re-appropriation.	Explanation of the necessity for the proposed expenditure and why it was not foreseen and why the saving is anticipated.
1	2	3	4	5	6	7	8	9	10	11
				Ra.			Ra.	Ra.	Ra.	

*Executive Officer.*

*President, Cantonment Board,*

*or*

*Officer Commanding the Station.*

*Dated*





Form No. Cant. 4-B.

Form No. Cant. 4-B. [Rule 24 (1)].

(To be printed on one-fourth foolscap lengthwise, one side on loose sheets.)

(Counterfoil.)

Receipt.  
\_\_\_\_\_  
Cantonment.

No.

Book No.

No.

Book No.

Received from

Received from

the sum of rupees (in words)

the sum of rupees (in words)

an amount of

on account of

Dated

Executive Officer.

Dated

Executive Officer.

Cash book poster.

Form No. Cant. 5.B. (Rules 25-26).

(To be printed on  $\frac{1}{4}$  sheet foolscap lengthwise, one side on loose sheets.)CHALAN FOR REMITTANCE OF MONEY TO THE Cantonment Office.  
Treasury.

ORIGINAL.

(To be retained in the Cantonment Office.)  
Treasury.

Dated 19 .

By whom brought.	On what account	Amount.
		Ra. A. P.
Total in words .		
Notes as on bank .	Ra. A. P.	
Gold . . . .		
Silver, nickel and copper.		
Total .		

Cash received.  
Examined and entered.

Treasurer,

Accountant,

Treasurer Officer or Executive Officer.

Form No. Cant. 5.B. (Rules 25-26).

(To be printed on  $\frac{1}{4}$  sheet foolscap lengthwise, one side on loose sheets.)CHALAN FOR REMITTANCE OF MONEY TO THE Cantonment Office.  
Treasury.

DUPLICATE.

(To be returned to the person making payment).

Dated 19 .

By whom brought.	On what account	Amount.
		Ra. A. P.
Total in words .		
Notes as on bank .	Ra. A. P.	
Gold . . . .		
Silver, nickel and copper.		
Total .		

Cash received.  
Examined and entered.

Treasurer.

Accountant,

Treasurer Officer or Executive Officer.

Form No. Cent. 5 A.-B. (Rule 27).

(To be printed on ½ foolscap lengthwise, one side on loose sheets.)

**CHALAN FOR REMITTANCE OF MONEY  
TO THE TREASURY.**

**ORIGINAL.**

(To be retained in the Treasury.)

Treasury, dated 19 .

**CHALAN FOR REMITTANCE OF MONEY  
TO THE TREASURY.**

**Duplicate.**

(For the Cantonment Office.)

Treasury, dated 19 .

**CHALAN FOR REMITTANCE OF MONEY  
TO THE TREASURY.**

**TriPLICATE.**

(To be returned to the person making payment.)

By whom brought.	On what account.	Amount.
		Rs. A. P.
Total in words .		
Notes (see reverse) .		
Gold . . . .		
Silver, nickel and copper.		
Total . . . .		

Cash received.  
Examined and entered.

Treasurer.

Treasury Officer.

Accountant.

By whom brought.	On what account.	Amount.
		Rs. A. P.
Total in words .		
Notes (see reverse) .		
Gold . . . .		
Silver, nickel and copper.		
Total . . . .		

Cash received.  
Examined and entered.

Treasurer.

Treasury Officer.

Accountant.

By whom brought.	On what account.	Amount.
		Rs. A. P.
Total in words .		
Notes (see reverse) .		
Gold . . . .		
Silver, nickel and copper.		
Total . . . .		

Cash received.  
Examined and entered.

Treasurer.

Treasury Officer.

Accountant.

*Treasury Pass Book.*

Form No. Cant. 6-B. (Rule 28).  
(To be printed on  $\frac{1}{4}$  foolscap lengthwise.)

Monthly consecutive number of leaf of receipt.	From whom, and on what account credited.	Date.	Number of cheque or order.	Amount.	Initials of Treasury Officer.	Monthly consecutive number of item of payment.	Date.	Number of cheque or order.	Amount.	Initials of Treasury Officer.
1	2	3	4	5	6	7	8	9	10	11

Form No. Cant 7.B. (Rule 31).  
(To be printed on bank paper.)

*Cheque book.*

Cheque Book No.	_____
Cheque No.	_____
Dated	_____
To	_____
Ru.	_____
Under Ru.	

*Executive Officer.*  
*President, Cantonment Board.*

or  
*Officer Commanding the Station.*

*Cantonment Fund Cheque.*

Cheque Book No.	_____
Cheque No.	_____
Dated	_____ 19 .
To the Officer in Charge of the Treasury at _____ Bank	_____
Pay to _____ or order the sum of _____	_____
Ru.	_____
and charge to the _____ Cantonment Fund.	_____
Ru.	_____
Under Ru.	

*Executive Officer.*  
*President, Cantonment Board.*

or  
*Officer Commanding the Station.*

25 This cheque is current for three months only from the date of issue.

## EXPENDITURE.

*General Cash Book.*

### Результаты.

Form No. Cont. 8-B. (Rule 35).

(To be printed on open foolscap.)

Month and date.	Head and item of receipt.	Particulars of receipts and from whom received.	Serial number of receipt or chalan.	Amount.	Total.	BANKRUPTCY TO TRADING.		Month and date.	Head and item of charges.	Particulars of charges and to whom paid.	Number of cheque.	Serial number of the book-let or voucher.	Amount.	Total.	Cash balance at Treasury by adding column 6 and subtracting column 14.	Cash balance in Imprest.
						Number and date of chalan.	Amount.									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
				Rs. A. P.	Rs. A. P.	Rs. A. P.							Rs. A. P.	Rs. A. P.	Rs. A. P.	







Cantonment.

Form No. Cans. II-B. (Bais 45)  
(To be printed on open foolscap.)

Register of Advances  
Deposits

Month and date.	Name of party.	Particulars of ad- vances or deposits.	Voucher or receipt number.	Amount.	Monthly total.	REPAYMENTS IN CASH OR IN CURRENT IN												Date of repay- ment or ad- justment.	Balance remaining unadjusted at end of year.	REMARKS.
1							April.											7		
							May.											8		
							June.											9		
							July.											10		
							August.											11		
							September.											12		
							October.											13		
							November.											14		
							December.											15		
							January.											16		
							February.											17		
							March.											18		
							Total repay- ments.											19		
																		20		
																		21		
																		22		



Form No. Cant. 13-B. [Rule 44 (1)].  
(To be printed on open foolscap.)

—Cantonment.

*Scale Register.*

Name of appointment.	SANTONED SCALE FROM 19 .			SANTONED SCALE FROM 19 .			SANTONED SCALE FROM 19 .			REMARKS.
	No.	Monthly pay of each appointment (a).	Authority, and signature of Executive Officer.	No.	Monthly pay of each appointment (a).	Authority, and signature of Executive Officer.	No.	Monthly pay of each appointment (a).	Authority, and signature of Executive Officer.	
1 General Administration .										
Total (1) General Administration.										

(a) If the pay of any appointment is progressive, the minimum and the maximum pay, the period and the rate of increment should be given in this column in each case.



## Carbonium.

Form No. Cont. 15-B. [Rule 48 (2)].

(To be printed on open foolscap, on loose sheets, form to be continued and the certificates, etc., printed on reverse.)

**Pay Bill and Acquittance Roll of the <sup>Permanent</sup> ~~Temporary~~ Establishment of the \_\_\_\_\_ for the month of \_\_\_\_\_ 19\_\_\_\_**

[illegible]

**Defect**    **undisbursed pay refunded as detailed below**

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408
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Particulars	Particulars	Particulars
<b>Particulars</b> <b>Particulars</b> <b>Particulars</b>	<b>Particulars</b> <b>Particulars</b> <b>Particulars</b>	<b>Particulars</b> <b>Particulars</b> <b>Particulars</b>

	<b>in favour of</b>		<b>in favour of</b>	
--	---------------------	--	---------------------	--

**—Certified—**

(1) That I have satisfied myself that all pay, leave salary and officiating pay, etc., included in bills drawn in the month of 10 (the 1st preceding month), with the exception of those detailed below (of which the total has been refunded by deduction from this bill), have been disbursed to the proper persons and that their receipts have been taken in acquittance rolls filed in my office, with receipt stamps duly cancelled for every payment in excess of Rs. 20, and that all leave and promotions, etc., have been entered in the service books of the officials concerned.

(2) That the bill has been checked with the mentioned scale recorded in the scale register.

(3) That all persons on pay not exceeding Rs. 15 for whom pay has been drawn in this bill, have actually been entertained during the month.

**Dated** \_\_\_\_\_ **19** -

**Pay Re.**

**Debit** ~~\_\_\_\_\_~~ **19** .

**Trasporto per passeggeri**

## Accountant.

**President, or Executive Officer**

**Executive Officer.**





Form No. Genl. 17-B. (Rule 54).

**(To be printed on open foolscap.)**

***Broadsheet for calculating the interest due to each depositor.***

[illegible]





Form No. Cant 19-B. (Rule 58.)

(To be printed on foolscap broadsheet.)

*Register of Permanent Advance.*

AMOUNT OUTSTANDING ON 31st MARCH WITH DATE OF RECEIPT OF ACKNOWLEDGEMENT.											REMARKS.			
Sanctioning order.	1	Officer for whom sanctioned.	2	Date of drawing.	3	Date of refund.	YEAR, 19 -19		YEAR 19 -19			Date of receipt of acknowledgment.	13	14
							Amount.	Date of receipt of acknowledgment.	Amount.	Date of receipt of acknowledgment.				
			Ra. A. P.				6	7	8	9	10	11	12	
			Ra. A. P.				Amount.	Date of receipt of acknowledgment.	Amount.	Date of receipt of acknowledgment.	Amount.	Date of receipt of acknowledgment.	Amount.	
			Ra. A. P.											



**314**    **MHOW, NIMACH AND NOWGONG CANTONMENTS.—(VIII.—**  
**Orders under Acts locally applied.)**

Form No. Cant. 21-B. (Rule 63).

(To be printed on foolscap breadthwise.)

*Register of works.*

Serial number.	Name of work.	Sanctioned estimate.	Orders sanctioning the estimate.	Agency doing the work.	Order sanctioning the agency or contract.	AMOUNT PAID.		Date of completion.	REMARKS.
						No. and date of payment voucher.	Amount.		
1	2	3	4	5	6	7		8	9
							Rs. A. P.		

**NOTE.**—Incomplete works should be carried over to the next year's accounts with the total of expenditure up to the end of the present year.

**NOTE.**—A few lines for less than half a page should ordinarily suffice for each work.

Form No. Cent. 22-B. [Rule 61 (1)].

(To be printed on  $\frac{1}{2}$  foolscap breadthwise.)

**Measurement book.**

Name of work

### Situation of work

**Agency by which work is executed**

Date of measurement

(These four lines should be repeated at the commencement of the measurements relating to each work.)

Particulars.	No.	L.	B.	D.	Contents.

**Form No. Camt 23-B. [ Rule 66 (3) ].**  
**(To be printed on foolscap.)**

## Contenuti

*Master-roll of men employed on (.....\*) during the month of*

[illegible]

**Certified that all the employees shown in the above statement were actually employed in the interests of the cantonment, and that their pay entered in this muster-roll was paid in my presence.**

Date \_\_\_\_\_

**Pay Rs.**

Date \_\_\_\_\_

**(Signature)**

*Signature of officer in charge of the work.*

**Executive Officer.**

**\* Nature of work.**

**Paid by cheque.**

**ON**

Date \_\_\_\_\_



Form No. Cont. 25-B. (Rule 71).

(To be printed on open foolscap.)

*Register of moveable property including tools and plant.*

[illegible]







Form No. Cant. 28-B. (Rule 77).

**(To be printed on foolscap breadthwise.)**

### Register of Investments.

1	2	3	4	5	6	7	8	9
Serial Number.	Date of investment, i.e., purchase of security or the date of deposit, etc., as the case may be.	Particulars of investment and in case of Government securities number and date of paper.	Amount (face value).	Rate of interest.	Initials of the Executive Officer.	Date of recovery of interest and adjustment in accounts.	Amount of interest recovered and adjusted in accounts.	Initials of the Executive Officer.
			Rs. A. P.				Rs. A. P.	

NOTE (1).—Where any sum is withdrawn from investment or any Government promissory note is sold the particulars of withdrawal or sale, as the case may be, should be noted in red ink across columns 1—4 of this register and its face value deducted from the total in column 4 and the balance of the investment entered. If no balance remains "account closed" shall be written across the page.

Note (3).--Investments from provident fund should be recorded on separate pages and distinctly marked as such.

*Security Deposit Register.*

Sl. No.	Number and date of order under which deposited.	Date of deposit.	Name of depositor.	Purpose of deposit.	Amount.	Initials of the Executive Officer.	Number and date of order sanctioning return or lapse of deposit.	Date of return or lapse.	Name of payee.	Amount.	Balance.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13
					Rs. A. P.					Rs. A. P.	Rs. A. P.	

Form No. 20-B. [Rule 78 (1)].

(To be printed on open foldings.)

Form No. Cant. 30-B. (Rule 81).

(To be printed on foolscap breadthwise.)

### Stamp Register.

[illegible]

*Cantonment Fund Servants' Rules, 1925, declared in force.*

*No. 577-I., dated the 8th December, 1925.*—In exercise of the powers conferred by sub-section (3) of section 281 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonments of Mhow, Nimach and Nowgong, the Governor General in Council is pleased to declare the rules published with the notification<sup>1</sup> of the Government of India in the Army Department, No. 1002, dated the 10th July 1925, to be in force in the Cantonments of Mhow, Nimach and Nowgong, subject to any amendments to which the said rules may be subject in British India and subject also to the modifications specified in the first proviso to the notification of the Government of India in the Foreign Department, No. 2365-I. B., dated the 14th November 1912, and to such further modifications not affecting the substance, as may be necessary or proper to adapt the said rules to the Cantonments of Mhow, Nimach and Nowgong.

[*Gazette of India*, 1925, Pt. I, p. 1183.]

*Rule regulating payment of travelling allowances to members of Cantonment Boards, declared in force.*

*No. 24-I., dated the 16th January, 1929.*—In exercise of the powers conferred by sub-section (3) of section 281 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonments of Mhow and Neemuch, the Governor General in Council is pleased to declare the rule published with the Notification of the Government of India in the Army Department No. 843, dated the 26th March 1926, to be in force in the Cantonments of Mhow and Neemuch, subject to any amendments to which the said rule may be subject in British India and subject also to the modifications specified in the first proviso to the Notification of the Government of India in the Foreign Department No. 2365-I. B., dated the 14th November 1912, and to such further modifications not affecting the substance, as may be necessary or proper to adopt the said rule to the Cantonments of Mhow and Neemuch.

[*Gazette of India*, 1929, Pt. I, p. 22.]

*Bye-laws of Mhow Cantonment.*

*No. 1599-B., dated the 12th October, 1926.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, and in supersession of the Central India Agency Notification No. 2191-B., dated the 13th October 1924, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following

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<sup>1</sup> Printed in General Statutory Rules and Orders, 1926, Vol. V, p. 591.

bye-laws, made by the Cantonment Authority, Mhow, under sections 119 and 283 of the said Act.

*Bye-laws for the Registration of Dogs.*

1. Every person who keeps a dog within the limits of the Cantonment shall cause the same to be registered in a book to be kept for the purpose by—

(a) In the case of dogs kept in the lines of Military Units, the Officer Commanding the Units.

(b) In the case of all other dogs, the Executive Officer of the Cantonment.

2. All such dogs shall be registered annually within 15 days from the 1st April of each year. All dogs brought into the Cantonment after the 1st April shall be registered within 15 days of their being so brought in.

3. Puppies shall only be required to be registered on attaining the age of 6 months and they shall be registered within 15 days thereafter.

4. Every dog so registered shall wear a collar to which shall be attached a brass disc bearing the number in the register. These discs will be supplied on payment of annas 4 by the registering authority.

5. The discs shall be of such pattern as may be determined by the Cantonment Authority from time to time and shall be of a size easily distinguishable and shall bear consecutive numbers.

6. If the disc granted under rule 4 is lost or destroyed the owner shall at once report the fact to the registering authority and obtain a new disc which will be supplied at a cost of 4 annas.

7. Any dog not registered or not wearing such disc shall, if found in any public place, be detained at a place set apart for the purpose.

8. A fee of 2 annas per day shall be charged for such detention and any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed [by the owner]<sup>1</sup> and the fee is paid within one week.

9. A breach of any of the above bye-laws will render the offender liable to a fine which may extend to Rs. 10.

[*Gazette of India*, 1926, Pt. II-A, p. 374.]

*No. 82-B-24 (d), dated the 14th July, 1926.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, and in supersession of the Central India Agency Notification No. 2195-B., dated the

<sup>1</sup> Inserted by Notification No. 1340-B., dated the 17th May 1929. *Gazette of India*, 1929, Pt. II-A., p. 219.

13th October 1924, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Mhow, under sections 186 (a) and (d), 282 (9) and 283 of the said Act:—

*Building Bye-laws.*

Under section 186 (a)—

1. Every notice of intention to erect or re-erect a building shall be in duplicate. It shall be written on a form to be obtained from the Cantonment office on payment of annas 2 and shall fully describe the nature of the work. It shall be submitted to the Executive Officer together with—

- (1) <sup>1</sup>[A drawing, signed and dated by the person giving the notice, of all new buildings, alterations and extensions made to a scale of 8 feet to an inch on tracing cloth and executed in black ink. Such drawing shall not be folded and on it new work may be distinguished from old work by colouring red. The drawing shall be of any of the following standard sizes:—

(a) Size measuring	.	.	.	.	.	36" x 27"
(d) Size measuring	.	.	.	.	.	27" x 18"
(e) Size measuring	.	.	.	.	.	18" x 18½"
(f) Size measuring	.	.	.	.	.	18½" x 9"

- (2) Site plans to a scale of 64 inches to one mile for all building works showing boundaries of adjacent properties.
- (3) A list of the materials to be used.
- (4) The purpose for which it is intended to use the building.

Under section 186 (d)—

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<sup>2</sup>[2.] A privy shall:—

- (a) abut upon a road or lane or open space accessible to sweepers,
- (b) be in accordance with the standard plan,
- (c) have an unglazed window opening directly upon the external air covered with wire-gauze and of at least 4 square feet superficial area,
- (d) have a platform of non-absorbant material such as glazed earthenware or smooth portland cement not less than ½ an inch thick and shall have both external and internal walls made of pucca masonry in lime,

<sup>1</sup> Substituted by Notification No. 2081-B., dated the 19th October, 1927. *Gazette of India, 1927, Pt. II-A., p. 447.*

<sup>2</sup> Cancelled by ditto.

<sup>3</sup> Re-numbered by ditto.



- (e) be separated from any room used or intended to be used for human habitation by a masonry wall and shall be approached from the house through a tightly fitting door,
- (f) be easily accessible to the sweeper by a door leading outside.

Under section 283—

<sup>1</sup>[3.] A contravention of any of these bye-laws shall be punishable with fine which may extend to Rs. 100 and in the case of continuing contravention with an additional fine which may extend to Rs. 20 for every day during which such contravention continues after conviction for the first such contravention.

[*Gazette of India*, 1925, Pt. II-A, p. 236.]

*No. 927-B., dated the 26th March, 1925.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924) as applied to the Cantonment of Mhow, the Agent to the Governor General is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Mhow, under sections 282 (1) and 283 of the said Act.

#### BYE-LAWS RELATING TO THE REGISTRATION OF BIRTHS AND DEATHS.

1. <sup>2</sup>[The head of any family resident in or on a visit to Mhow Cantonment and any person in charge of any lodging house, Dharamshalla, Sarai, Hospital or other similar institution, shall within 48 hours of the occurrence of any birth or death in his family or among persons staying in the said premises respectively report the same personally or by an agent or in writing in accordance with the following provisions to the Cantonment Executive Officer, Mhow].

2. The report shall contain the following particulars:—

##### A.—As to births.

(1) Date of occurrence, (2) sex of child, (3) name, if any, of child, (4) whether still born, (5) caste, (6) name of father, (7) residence of father, (8) occupation (if any) and religion of father, (9) name of person making report.

Provided that, in the case of illegitimate children, at the option of the person making the report or return the name, residence, caste (if any) and religion of the mother may be substituted for particular 6, 7 and 8.

<sup>1</sup>Re-numbered by Notification No. 2061-B., dated the 19th October, 1927. *Gazette of India*, 1927, Pt. II-A., p. 447.

<sup>2</sup>Substituted by Notification No. 462-B., dated the 4th March, 1927. *Gazette of India*, 1927, Pt. II-A., p. 157.

*B.—Regarding deaths.*

(1) Date of occurrence, (2) name of deceased, (3) father's name, or, in the case of married woman husband's name, (4) sex, (5) age, (6) occupation, caste (if any) and religion, (7) cause of death, (8) name of medical practitioner, if any, who attended deceased during last illness, (9) residence of deceased.

3. <sup>1</sup>[In the case of an unclaimed dead body it shall be taken by the police to the Cantonment Hospital for disposal and a report as to the cause of death should be made by the police to the Executive Officer within seven days of the date of discovery].

4. Two separate registers shall be kept by the Cantonment Executive Officer in which particulars aforesaid as to birth or death respectively shall be duly entered within 24 hours of receipt of the information.

5. The entries in the registers shall be open to inspection by any inhabitant of the Cantonment and on an application from a person interested in any entry the Executive Officer shall grant him a certified copy thereof on payment of Re. 1. All fees received under this rule shall be credited into the Mhow Cantonment Fund.

6. No person shall negligently or wilfully destroy or injure or act so as to cause destruction or injury or allow to be destroyed or injured, any register of birth or death or insert or cause to be inserted, in any such register or certified copy thereof, any entry of any birth or death except in accordance with these rules.

7. No fee shall be leviable for registration.

8. Any clerical error which may at any time be discovered in the registers may be corrected by the Executive Officer. An error of fact or substance in any such registers may be corrected by the Executive Officer by an entry in the margin, without any alteration of the original entry, upon production to him by the person requiring such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before the District Magistrate by the person required to give information concerning the birth or death with reference to which the error has been made, or, in default of such person by two credible persons having knowledge of the case and certified by the District Magistrate to have been made in his presence.

Except as aforesaid, no alteration shall be made in any such register.

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<sup>1</sup> Substituted by Notification No. 82-B-24 (G.), dated the 14th July, 1925. *Gazette of India*, 1925, Pt. II-A., p. 237.

9. <sup>1</sup>[A breach of bye-law 6 shall be punishable with fine which may extend to Rs. 100 and a breach of any other bye-laws shall be punishable with fine which may extend to Rs. 10.]

[*Gazette of India*, 1925, Pt. II-A, p. 98.]

No. 14-B.-24 (1), dated the 2nd July, 1925.—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, and in supersession of the Central India Agency, Notification No. 2020-B., dated the 23rd September 1924, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws framed by the Cantonment Authority, Mhow, under section 282, sub-section (3) of the said Act:—

BYE-LAWS FOR THE COLLECTION, RECOVERY AND REFUND OF OCTROI DUTIES  
IN THE MHOW CANTONMENT.

*Octroi duties.*

1. Octroi duty shall be payable on demand and shall be levied and collected by and under the management of the Executive Officer and officers subordinate to him.

Provided that it shall be lawful for the Executive Officer with the sanction of the Cantonment Authority, to make such arrangements as he deems fit with any Railway Company for the levy and collection of Octroi duties on dutiable articles imported by such Railway for sale, consumption or use in the Cantonment.

2. Every person in charge of goods shall on arrival at the first Octroi Station declare whether they are intended—

- (a) for sale, consumption or use within the Cantonment, or
- (b) for immediate exportation from the Cantonment, or
- (c) to be taken to a bonded warehouse.

*Goods imported for sale, consumption or use in the Cantonment.*

3. (a) In case of goods liable to duty by weight, the importer shall either produce the original invoice in respect of the goods and file a true copy thereof or file a declaration <sup>2</sup>[on the prescribed form] giving the description and weight of the goods imported and the duty shall be levied thereon accordingly.

(b) In case of goods liable to duty *ad valorem* the importer shall produce the original invoice in respect of the goods, and file a true copy thereof. In the event of his not possessing such an invoice, he shall sign

<sup>1</sup>Substituted by Notification No. 462-B., dated the 4th March, 1927. *Gazette of India*, 1927, Pt. II-A., p. 157.

<sup>2</sup>Substituted by Notification No. 3077-B., dated the 19th October, 1927. *Gazette of India*, 1927, Pt. II-A., p. 445.

a declaration giving the description, quantity and value of the goods imported <sup>1</sup>[on the prescribed form] and the duty shall be levied thereon accordingly. Provided that, if the importer thereafter comes into possession of the invoice for the said goods, he shall file a true copy thereof within one week, from the receipt of such invoice.

4. (1) If the Nakedar has reason to believe that the invoice or declaration mentioned in rule 3 (a) and (b) is untrue the Nakedar shall, in the case of bulky and securely packed goods, seal or mark them for the purposes of identification and allow the same to pass on payment of duty according to the invoice or declaration as the case may be and shall endorse on the pass issued to the importer the condition for subsequent examination, and such goods may be subsequently examined or weighed by the Octroi Inspector as soon as possible within 24 hours at the place where they are stored.

In such event the importer shall not open the goods or otherwise deal with them until the Octroi Inspector has inspected them or the time for such inspection has expired.

(2) In the case of goods which are not bulky or securely packed the Nakedar shall, if he distrusts the invoice or declaration, send the goods with the invoice or declaration to the Octroi Inspector who may examine and weigh the goods and shall levy the duty which he may find to be payable thereon.

#### *Explanation.*

Octroi duty shall be levied on goods according to the Octroi schedule in force, provided that duty assessed *ad valorem* shall be levied according to the invoice value after deducting the discount granted by firms, etc., and duty on articles assessed by weight shall be levied on the net weight, such abatement being made from the gross weight on account of packing, lashing, etc.

<sup>2</sup>[5. Goods for which exemption from duty is claimed as being the property of Government or the Cantonment Authority must be accompanied by an invoice endorsed by the Government Officer concerned or the Executive Officer as the case may be certifying respectively that they are the property of Government or of the Cantonment Authority.

6. Goods which are not the property of Government or of the Cantonment Authority at the time of import are liable to Octroi duty. But if at the time of import they are declared to be imported for the fulfilment of a contract with Government or otherwise to be intended for the use of Government the duty paid will be refunded on the production of

<sup>1</sup> Substituted by Notification No. 2077-B., dated the 19th October, 1927. *Gazette of India*, 1927, Pt. II-A., p. 446.

<sup>2</sup> Substituted by Notification No. 892-B., dated the 2nd May, 1925. *Gazette of India*, 1925, Pt. II-A., p. 154.

a certificate from the Government Officer concerned that they have become the property of Government. Such certificate must be obtained by the 15th day of the month succeeding that in which the goods were supplied to Government and must be presented to the Executive Officer within ten days of being granted, together with an application for refund.]

7. (1) A refund of the Octroi duty shall be allowed on such quantities of Mohwa, Gur-Shera and other sugar products as are actually used for the manufacture of country liquor in distilleries.

(2) For the purpose of obtaining such refund the officer in charge of the distillery shall within the first week of each month certify to the Executive Officer the quantity of each such article placed in the fermenting vats during the previous month and the Octroi duty leviable on the quantities thus certified shall be refunded to the licensee of the distillery without the production of the receipts for the Octroi duty, after such inquiry as the Executive Officer may think fit to make.

8. (1) For every payment of Octroi duty the Nakedar in charge of the station will make out a duplicate receipt in the name of the importer of the goods in the form prescribed by the Cantonment Authority specifying the quantity of each description of goods and the date of import and will tender the original to the person in charge of the goods and retain the duplicate as a counterfoil in the receipt book.

(2) Any importer may, within one week from the issue of a receipt in his name, exchange it for a separate receipt for such portions of the goods as he may desire, provided, that the amount of duty paid on such portion be not less than one rupee and subject to the same proviso, may further sub-divide and change such separate receipts as often as he may desire.

9. An export certificate will be granted on the application of any holder of an Octroi payment receipt (*i.e.*, the original importer of goods) who exports, within three months of the date of the said receipt, goods which correspond in nature with and do not exceed in quantity, the goods described in the said receipt.

In the case of goods exported by Railway such application must be supported by :—

- (a) a written declaration of export in the case of perishable goods accompanying the exporter as personal luggage and
- (b) in all other cases by the railway receipt, which will be returned to the applicant after the number and date have been noted.

In the case of goods exported by road such application must be supported by a declaration of the name and address of the person or persons to whom the goods are consigned, which shall be entered by the Octroi Nakedar in the export certificate, and in the register.

10. On the production of an export certificate within 15 days of its having been granted, accompanied by the corresponding Octroi payment receipt, the amount of duty shown by the latter to have been received in respect of goods of the nature and quantity described in the export certificate shall be refunded without deduction, provided that the sum claimed amounts to not less than one rupee for each export certificate.

<sup>1</sup>[*Goods imported for exportation after being converted into some other form.*

10A. The Octroi duty paid on goods imported into the Cantonment not for consumption, use or sale but for being converted into some other form shall be refunded if the goods are exported within one month of their import, provided that—

- (a) the object of the import is declared at the time of importation in writing, and
- (b) the goods before being exported are produced before the Executive Officer or such person as is authorised by him and he is satisfied that the goods being exported are substantially the same as were imported.

*Illustration.*

Octroi duty paid on cloth imported for being made into clothes shall be refunded if the above conditions are satisfied.]

*Goods for immediate exportation.*

11. (1) In the case of goods imported for immediate exportation the Nakedar in charge of the Octroi station of entrance shall prepare a transit pass (on yellow coloured paper) in duplicate specifying the nature and quantity of the goods and the Octroi duty leviable and allow the goods to pass under the supervision of a guard or other person to whom one copy of the pass shall be given, the other being retained as a counterfoil in the receipt book. The guard or other person shall deliver the pass to the Nakedar at the next Octroi station who will pass on the same duly initialled to the next Octroi station and so on till the goods leave the Octroi station of exit where the Nakedar in charge will endorse the time, etc., when the goods passed out of the Cantonment. If the goods are to be exported by rail the Nakedar at the Railway goods shed Octroi station shall endorse the particulars of the Railway receipt thereon and retain the pass with him. All passes issued and collected during the day shall

<sup>1</sup> Inserted by Notification No. 2077-B., dated the 19th October 1927. *Gazette of India*, 1927, Pt. II-A., p. 446.

be entered by the Nakedar in their respective registers and shall be checked by the Octroi Inspector daily.

(2) The importer will not be required to deposit any security of any kind in respect of goods covered by a transit pass. But if the goods are not exported before sunset of the same day the person in charge of the goods and the guard shall give notice to the Octroi Inspector and to the Nakedar by whom the pass was given and the person in charge of the goods shall pay the Octroi duty thereon. Provided that if the goods are kept under surveillance at a place appointed by the Cantonment Authority for the purpose, their export may be delayed for twenty-four hours in all from the time of their import without payment of duty.

*Goods intended to be taken to a bonded warehouse.*

12. In the case of goods intended to be taken to a Bonded warehouse, the person in charge of the goods shall, on arrival at the Octroi station of entry, declare the description, weight, quantity or if necessary the value of the goods. The Nakedar shall thereupon prepare in triplicate a pass or permit under which the goods are to be taken to the Bonded warehouse, and tender two copies to the person in charge of goods and retain the third as a counterfoil in the receipt book.

13. The goods will then be taken under the supervision of a guard from one Octroi station to another till they reach the Bonded warehouse, where the Officer in charge shall take charge of the goods after satisfying himself as to the correctness of the pass, and shall sign the original receipt and hand it to the person bringing the goods and retain the duplicate. In the event of any discrepancy between the goods and the pass, the Officer in charge of the warehouse shall report the matter to the Octroi Inspector for orders.

14. A return shall be prepared daily at each Octroi station of all passes issued for goods to be deposited in a Bonded warehouse and with this return the accounts of the officers in charge of the warehouse shall be checked daily.

15. (1) The owner of the goods deposited in a Bonded warehouse may, on application to the Octroi Inspector, break bulk and change the packing of such goods; and any portion thereof, not less than a single bale in the case of piece-goods, and not less than a cart load in any other case, may on payment of full duty be removed into the Cantonment under cover of a receipt.

(2) When goods or portions thereof are removed from warehouse and the duty thereon paid, the particulars shall be endorsed on the pass given to the importer under rule 12 and a receipt for the duty paid will be granted in accordance with rule 8 (1).

(3) The payment of duty on any goods leaving a warehouse for consumption within the Cantonment will be without detriment to the importer's claim to a refund, if the goods are afterwards exported subject to the conditions imposed in rule 9.

16. In the case of goods removed from a Bonded warehouse for export from the Cantonment the procedure laid down by rule 11 shall be followed, the Officer in charge of the warehouse preparing a transit pass, and no duty shall be levied.

17. Subject to the control of the Agent to the Governor General in Central India, the Cantonment Authority may from time to time specify what articles may not be deposited in the Bonded warehouse and shall prescribe the fees to be charged for articles stored therein. The fees shall be so fixed that the income therefrom may cover the expenditure incurred on the warehouse but shall not exceed one anna per day per maund and in the case of perishable goods such fees shall be payable in advance.

18. The Cantonment Authority may recognise any private godown as a Bonded warehouse on such conditions as it may think fit to impose. And thereupon the foregoing provisions shall apply thereto.

<sup>1</sup>[18A. The Cantonment Authority may prescribe forms in which declarations and applications referred to in these bye-laws may be made. The Cantonment Authority may charge a price not exceeding half anna for supply of a printed form.]

#### General.

19. A schedule of the Octroi duties leviable together with a current price list of all articles assessed *ad valorem* and a copy of these rules in English, Hindi and Urdu shall be posted in a conspicuous position at every Octroi station and Bonded warehouse.

20. Any person committing a breach of these rules shall, if the breach is not an offence punishable under specific section of the Cantonment Act, 1924, be punishable with fine which may extend to 50 rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 218.]

*No. 2203-B., dated the 13th October, 1924.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment

<sup>1</sup> Inserted by Notification No. 2077-B., dated the 19th October, 1927. *Gazette of India*, 1927, Pt. II-A., p. 448.



Authority, Mhow, under sections \* \* 282 (3) and (17) and 283 of the said Act:—

BYE-LAWS REGARDING THE CANTONMENT SLAUGHTER HOUSE.

1. No animal shall be slaughtered in the Cantonment slaughter house unless it has been inspected and passed by the Cantonment Cattle Inspector.

2. The Inspector shall examine every animal produced before him and satisfy himself that the animal—

- (i) Is fit for use as human food.
- (ii) Is not diseased or advanced in pregnancy.
- (iii) Is not very infirm or excessively old.
- (iv) Is not a cow in milk or a calf with a cow in milk provided that an animal which has met with an accident rendering it unfit for further work shall not be rejected merely on this account.

3. The Cantonment Cattle Inspector shall be on duty at the Cantonment slaughter house throughout the hours prescribed for slaughter.

4. He shall keep a daily register showing the number and description of animals slaughtered and shall bring a daily abstract of same to the Cantonment Office.

1\* \* \* \* \*

<sup>1</sup>[5]. The fees for animals slaughtered in the Cantonment slaughter house shall be paid to the cattle inspector.

On receipt of the fee the latter shall fill up a ticket and counterfoil in the form prescribed and hand the former to the person paying the fee. The counterfoil shall be produced daily in the Cantonment Office with the amounts collected.

6. No one but the butchers, their assistants and the Cantonment officers connected with the Cantonment slaughter house and no dogs shall be allowed to enter the Cantonment slaughter house. No animal shall be admitted into the Cantonment slaughter house unless it is intended for immediate slaughter.

<sup>2</sup>[7. No person shall slaughter in the Cantonment slaughter house except at the hours prescribed by the Cantonment Authority from time to time.]

<sup>2</sup>[8. No animal shall be slaughtered until all the animals inside the slaughter house are tied and blind-folded and lying down ready for slaughter.

<sup>1</sup> Omitted and re-numbered by Notification No. 2078-B., dated the 19th October, 1927. *Gazette of India*, 1927, Pt. II-A., p. 446.

<sup>2</sup> Substituted and inserted by Notification No. 2078-B., dated the 19th October, 1927. *Gazette of India*, 1927, Pt. II-A., p. 446.

8A. The Cattle Inspector shall see that the man who slaughters is clean and that all knives are sharp and clean.]

9. Immediately after the slaughter of animals the Cantonment slaughter house shall be carefully washed, cleaned, and locked up by the Cantonment Cattle Inspector.

10. Every carcass shall after slaughtering, skinning and cleaning be presented for inspection to the Cantonment Cattle Inspector and no carcass shall be removed from the slaughter house until it has been passed by this official as fit for human consumption.

11. Skins, entrails and offal after being properly washed and cleaned shall be removed from the slaughter house by the butchers and any skin, entrail or offal not removed before the time at which the Cantonment slaughter house is closed for the day will be disposed of by the cattle inspector by being at once buried in the ground at the appointed place together with blood and other leavings.

12. Meat, entrails and offal, shall be removed from the Cantonment slaughter house in the Cantonment covered carts and the cattle inspector shall daily inspect these carts and see that they are kept clean and in good order.

13. No meat shall be sold in or near the slaughter house.

14. The Cantonment Cattle Inspector will inspect the surroundings outside the slaughter house daily and see that they are clean and free from flies.

15. Any animal produced for inspection which is suspected by the cattle inspector to be suffering from any contagious disease will be isolated by him near the slaughter house trenching ground and he will make an immediate report to the Executive Officer who will act in accordance with section 215 of the Cantonments Act, 1924.

Any carcass or meat considered by the cattle inspector to be unfit for human consumption will be produced before the Executive Officer who will dispose of the same in accordance with section 215 of the Cantonments Act, 1924.

<sup>1</sup>[16. A breach of any of the above bye-laws (1), (7), (8), (12) and (13) shall be punishable with fine which may extend to fifty rupees.]

[*Gazette of India*, 1924, Pt. II-A, p. 341.]

*Bye-laws for control of motor traffic in Mhow, Nimach and Nowgong.*

No. 4246, dated the 18th August, 1924.—In exercise of the powers conferred by section 284 (I) of the Cantonments Act, 1924, the Agent to the Governor General in Central India is pleased to approve of the fol-

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<sup>2</sup>Substituted by Notification No. 2070-B., dated the 19th October, 1927. *Gazette of India*, 1927, Pt. II-A., p. 446.

lowing Bye-laws framed by the Cantonment Authorities, Mhow, Neemuch and Nowgong, for the control of motor traffic in those Cantonments.

BYE-LAWS FRAMED UNDER SECTION 282 (4) AND (5) OF CANTONMENTS ACT,  
 1924, BY THE CANTONMENT AUTHORITY,  $\frac{\text{Mhow}}{\text{NEEMUCH}} \cdot \frac{\text{Nowgong}}{\text{Nowgong}}$ .

1. No motor vehicles belonging to a resident of the  $\frac{\text{Mhow}}{\text{Neemuch}} \frac{\text{Nowgong}}{\text{Nowgong}}$  Cantonment shall be driven in a public place except in the manner prescribed below:—

2. No person shall drive a motor vehicle without a license which is in force and was granted in British India or any Indian State, or by the registering and licensing officer for Central India. These licenses shall be produced at the Cantonment Office for countersignature by the Executive Officer,  $\frac{\text{Mhow}}{\text{Neemuch}} \frac{\text{Nowgong}}{\text{Nowgong}}$  Cantonment.

Provided that a person learning to drive may drive a motor car outside the bazaar limits on a road on which there is not much traffic if accompanied by a licensed driver.

3. No motor vehicle shall be driven in a public street unless it is registered in British India, or any Native State or by the registering officer in Central India.

4. All applications for registration and for driving licenses, must be submitted through the Executive Officer,  $\frac{\text{Mhow}}{\text{Neemuch}} \frac{\text{Nowgong}}{\text{Nowgong}}$  Cantonment and all licenses obtained and motor vehicles registered outside Central India shall be reported to him on a form which can be obtained in the Cantonment Office.

#### *Numbering.*

5. The driver of a motor vehicle shall see that whenever it is in a public place, the number assigned by the registering authority, preceded by the distinguishing letter or letters denoting that authority, shall be shown in a prominent position both at the front and rear of the motor vehicle. These letters and numbers shall be shown in white on a black ground, shall be perfectly legible and placed in an upright position and shall be not less than  $3\frac{1}{4}$  inches in height.

*N.B.*—The registering and licensing authority for Central India is the Secretary to the Agent to the Governor General in Central India in the Public Works Department.

Provided that in the case of a motor bicycle with or without side car attached, they may be not less than 2 inches in height and the front

number plate shall have duplicate faces and shall be fixed to the front of the cycle, so that from whichever side the vehicle is viewed the letters or figures on one or other face of the plate may be easily distinguishable.

*Reckless driving.*

6. A motor vehicle shall not be driven in a public street recklessly or negligently or in a manner which is likely to endanger human life or to cause hurt or injury to any person or animal or damage to any vehicle or property, or at a speed which would be otherwise than reasonable and proper having regard to all the circumstances of the case including the nature, condition and use of the street and to the amount of traffic which is actually on it at the time or which may reasonably be expected to be on it.

*Speed limit.*

Provided that the Executive Officer shall have power subject to the approval of the Cantonment Authority to prescribe that, when passing through a particular locality or street, motor drivers shall not exceed such rates as may be indicated upon notice boards erected at each end of the locality or street.

Provided also that the Cantonment Authority by notice may prescribe a rate of speed which shall not be exceeded either generally or in any particular part of the Cantonment area.

*Motor vehicles to carry horns.*

7. Every person driving a motor vehicle shall have ready and available for immediate use a suitable horn capable of giving audible and sufficient warning of his approach or position and shall sound the same when approaching cross roads and corners and whenever expedient to prevent danger to any of the public.

*Motor vehicles to carry lamps.*

8. No person shall drive a motor vehicle between half an hour after sunset and half an hour before sunrise, without three lighted lamps of suitable character and illumination affixed thereto, one on either side of the front portion and one at the back of such motor vehicle, the light at the back having a red glass facing to the rear and white glass at the side thereby illuminating the number of the vehicle and rendering it easily distinguishable.

Provided that one lamp shall be sufficient in the case of a motor cycle and one red light visible from the rear at the back of the cycle.

Provided that also when a motor cycle is used in combination with a forecar or side car two lights shall be carried in such a manner as to

indicate the width of the combination. A red light shall also be shown at the rear of the side car or cycle.

All head lights on motor vehicles the faces of which are over 6 inches in diameter, must be properly hooded or screened so as to protect approaching vehicles and foot passengers from excessive glare.

9. Any resident for the time being of Mhow Cantonment area who fails to comply with this notice is liable to punishment with a fine which may extend to Rs. 100 and for continuing breach with an additional fine not exceeding Rs. 10 for every day after the first in regard to which he is convicted of having persisted in the breach (*vide* section 283, Cantonments Act, 1924).

[*Gazette of India*, 1924, Pt. II-A, p. 279.]

No. 2215-B., dated the 13th October, 1924.—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment authority, Mhow, under sections 282 (4) and 283 of the said Act.

**BYE-LAWS REGARDING THE REGULATION OF TRAFFIC IN THE STREETS.**

1. No horse shall be trained or broken in on any public road or street in the Cantonment.

2. Horses of Royal Artillery Units or Machine gun mules of other Units, when being exercised together in a number exceeding four animals, shall not be so exercised in any streets of the Sadar Bazar.

3. No ponies or horses are to be exercised on the Mall by syces.

4. <sup>1</sup>[No bullock carts shall be driven along Mall Road except those proceeding to and from bungalows situated on the Mall.

Provided that this bye-law shall not apply to through traffic passing across the Mall *via* Bombay-Agra Road.]

5. No animal shall be ridden or driven and no vehicle shall be driven on any street in a rash or negligent manner.

6. No vehicle or animal shall be left on a street without proper control.

7. Whoever is driving any elephant or a camel on a street shall remove the same to a safe distance on the approach of a horse or of bullocks drawing a vehicle.

<sup>1</sup> Substituted by Notification No. 2082-B., dated the 8th December, 1926. *Gazette of India*, 1926, Pt. II-A., p. 468.

8. No person shall—

- (a) cause any vehicle with or without an animal harnessed there-  
to to remain or stand so as to cause obstruction in any  
street longer than may be necessary for loading or unload-  
ing, or for taking up or setting down passengers, or
- (b) leave or fasten any vehicle or animal so as to cause obstruc-  
tion in any street, or
- (c) expose any article for sale whether upon a booth or stall or in  
any other manner so as to cause obstruction in any street,  
or
- (d) in any other manner wilfully obstruct or cause obstruction to  
the free passage of any street.

9. No vehicle shall be driven or kept standing on any street at a time  
or in a manner prohibited by public notice issued by the Cantonment  
Authority or by the Deputy Superintendent of Police.

<sup>1</sup>[10. Not more than one person shall ride on a pedal bicycle built  
for riding solo, on any public road in Mhow Cantonment provided that  
this bye-law shall not apply to children under 5 years of age carried on  
a suitable carrier firmly fixed to the bicycle.]

<sup>2</sup>[11<sup>3</sup>. Animals of Bunda Busti shall be taken to and from grazing  
grounds at one Tree Hill and South-West portion of the Cantonment by  
Circular Road only.

<sup>3</sup>12. Animals of the Central Basar shall be taken to and from the  
following grazing grounds by the undermentioned routes only:—

- (a) For grazing on West and South-West portion of the Canton-  
ment by Lester Road and due West to Gymkhana Road  
passing North side of Telegraph Office Compound and  
through B. A Lines.
- (b) For grazing beyond North Boundary of the Cantonment by  
Agra Road, Mason Road, Kutchha Road in continuation  
Northwards from Mason Road, then West along Nimach  
Road and North along road passing East side of Indian  
Infantry Parade ground due North to Boundary pillar  
No. 16.
- (c) For grazing on one Tree Hill by Railway Road and Circular  
Road.

<sup>1</sup> Inserted by Notification No. 2071-B., dated the 26th September, 1928. *Gazette of India*, 1928, Pt. II-A., p. 815.

<sup>2</sup> Inserted by Notification No. 2082-B., dated the 9th December, 1928. *Gazette of India*, 1928, Pt. II-A., p. 468.

<sup>3</sup> Re-numbered by Notification No. 2071-B., dated the 26th September, 1928. *Gazette of India*, 1928, Pt. II-A., p. 815.

<sup>1</sup>13. The routes referred to in bye-laws <sup>1</sup>[11] and <sup>1</sup>[12] shall also be used as far as possible by animals kept elsewhere, i.e., they shall join the nearest point of any of the above routes when being taken from the place where they are kept to a grazing ground.

<sup>1</sup>14. Nothing contained in bye-laws <sup>1</sup>[11], <sup>1</sup>[12] and <sup>1</sup>[13] shall apply to cattle which are led.]

<sup>1</sup>[15]. <sup>2</sup>[A breach of bye-laws <sup>1</sup>[11], <sup>1</sup>[12] and <sup>1</sup>[13] shall be punishable with fine which may extend to Rs. 100, and a breach of any other bye-law shall be punishable with fine which may extend to Rs. 50.]

[*Gazette of India*, 1924, Pt. II-A, p. 343.]

*No. 2219-B., dated the 13th October, 1924.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish, for general information the following bye-laws, made by the Cantonment authority, Mhow, under sections 282 (5) and 283 of the said Act.

**BYE-LAWS REGARDING THE MANNER IN WHICH VEHICLES STANDING, DRIVEN, LED OR PROPELLED IN THE STREETS SHALL BE LIGHTED.**

No vehicle shall be driven, led or kept standing on any street between sunset and sunrise without a suitable lamp placed on each side thereof. <sup>3</sup>[Provided that for bicycles and bullock carts only one lamp shall be necessary.] <sup>4</sup>[Provided further that a bicycle may be led without light.]

A breach of this bye-law shall be punishable with a fine which may extend to fifty rupees.

[*Gazette of India*, 1924, Pt. II-A, p. 343.]

*No. 82-B-24 (e), dated the 14th July, 1925.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Mhow, under sections 282 (11) and 283 of the said Act.

<sup>1</sup> Renumbered and substituted by Notification No. 2071-B., dated the 26th September, 1928. *Gazette of India*, 1928, Pt. II-A, p. 315.

<sup>2</sup> Substituted by Notification No. 2082-B., dated the 9th December, 1926. *Gazette of India*, 1926, Pt. II-A, p. 468.

<sup>3</sup> Substituted by Notification No. 82-B-24 (i), dated the 29th July, 1925. *Gazette of India*, 1925, Pt. II-A, p. 260.

<sup>4</sup> Added by Notification No. 2079-B., dated the 19th October, 1927. *Gazette of India*, 1927, Pt. II-A, p. 446.

BYE-LAWS RELATING TO STABLING OR HERDING OF CATTLE.

1. <sup>1</sup>[Not more than two heads of cattle shall be allowed in the compound of any bungalow in the military area whether occupied or not, Provided that nothing in this bye-law shall apply to horses.]

The Military area shall include all bungalows which are or may be occupied by Civil or Military Officers and Military personnel.

2. A contravention of the above bye-law shall be punishable with fine which may extend to Rs. 100 and in the case of a continuing contravention with an additional fine which may extend to Rs. 20 for every day during which such contravention continues after conviction for the first such contravention.

[*Gazette of India*, 1925, Pt. II-A, p. 236.]

No. 2429-B., dated the 10th November, 1924.—In exercise of the powers conferred by sub-section (I) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment authority, Mhow, under section 282 (16) of the said Act.

BYE-LAWS REGARDING THE CONDITIONS WHICH MAY BE IMPOSED BY  
LICENSES GRANTED UNDER SECTION 210 OF THE CANTONMENTS ACT.

Licenses granted under section 210 (a), (b), (c), (d), (e), (f), (g), (h), (m), (n), (o) and (p) of the Cantonments Act, 1924, may contain any conditions which the Cantonment authority may think fit to impose with respect to the following matters namely:—

(a) In the case of licenses granted under section 210 (a):—

- (i) the apparatus and coverings to be used in the operations of their trade;
- (ii) the manner in which meat, poultry and game or fish may be exposed for sale.

(b) In the case of licenses granted under section 210 (b):—

- (i) the number of pigs which may be kept at any one place;
- (ii) the season at which pigs may be slaughtered and the flesh be offered for sale;
- (iii) the manner in which pigs shall be inspected prior to slaughter;
- (iv) the manner in which the flesh shall be inspected and marked prior to sale:

<sup>1</sup> Substituted by Notification No. 27-B-26 (4), dated the 16th February, 1926. *Gazette of India*, 1926, Pt. II-A, p. 60.



- (c) In the case of licenses granted under section 210 (c):—
- (i) the manner in which such animals may be registered;
  - (ii) the number of such animals that may be kept in any one place;
  - (iii) the sources from which such animals shall be watered;
  - (iv) the segregation of any sick or diseased animals;
  - (v) the manner of keeping such animals so as to prevent their becoming a public nuisance or injurious to the public health.
- (d) In the case of licenses granted under section 210 (d):—
- (i) the manner in which such animals may be registered;
  - (ii) the number of such animals that may be kept in any one place;
  - (iii) the manner of keeping such animals so as to prevent their becoming a public nuisance or injurious to the public health.
- (e) In the case of licenses granted under section 210 (e):—
- (i) the vessels and apparatus to be used in the operation of their trade;
  - (ii) the manner in which milk, butter or ghi may be prepared and kept for sale; and
  - (iii) the taking of any other measures which the Cantonment authority may think necessary for maintaining the premises in a clean and sanitary condition.
- (f) In the case of licenses granted under section 210 (f):—
- (i) the apparatus, water, flour and other ingredients used in the operation of their trade;
  - (ii) the measures to be taken to protect all persons employed in such trade from enteric fever and small-pox.
- (g) In the case of licenses granted under section 210 (g):—
- (i) the seasons at which fruit or vegetables or any specified kind thereof may be sold;
  - (ii) the manner in which fruit and vegetables or any specified kind thereof may be exposed for sale;
- (h) In the case of licenses granted under section 210 (h):—
- (i) the source from which water used in such manufacture shall be taken;
  - (ii) the machines, chemicals and ingredients which may be used in such manufactures;

- (iii) the measures to be taken in order to ensure the purity of the water used and the cleanliness of all apparatus and receptacles used;
- (iv) the measures to be taken to protect all persons employed in such manufactures from enteric fever and small pox;
- (v) the conditions under which sales shall be permitted.

<sup>1</sup>[(h) In the case of licenses granted under section 210 (l), the manner in which clothes may be washed and dried.]

<sup>2</sup>[(i) In the case of licenses granted under section 210 (m):—

- (i) the place where and the manner in which the articles may be stored;
- (ii) the quantity which may be kept at any one place;
- (iii) the precautions against fire to be taken by the dealers or persons in charge of the business.]

(j) In the case of licenses granted under section 210 (n):—

- (i) the quantities in which any such articles may be stored or kept for sale;
- (ii) the taking of any measures which the Cantonment authority may consider necessary for the prevention of danger to life or property.

(k) In the case of licenses granted under section 210 (o) to tanners and dyers, the taking of measures for regulating the discharge of refuse matter from their premises and for abating any nuisance arising from such premises.

(l) In the case of licenses granted under section 210 (p) to gut curers, the taking of any measures which the Cantonment authority may consider necessary for the abatement of any nuisance arising from the premises.

[*Gazette of India*, 1924, Pt. II-A, p. 377.]

*No. 2385-B., dated the 23rd November, 1927.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Mhow, under sections 282 (17) and 283 of the said Act:—

<sup>1</sup> Inserted by Notification No. 2080-B., dated the 19th October, 1927. *Gazette of India*, 1927, Pt. II-A., p. 446.

<sup>2</sup> Substituted by Notification No. 906-B., dated the 20th July, 1929. *Gazette of India*, 1929, Pt. II-A., p. 290.

**BYE-LAWS FOR THE CONTROL AND PROPER REGULATION OF FLOUR MILLS IN  
THE MHOW CANTONMENT.**

1. *Definition.*—In these bye-laws flour mills include all mills manufacturing flour, which are worked by electricity, steam, oil or petrol engine or any other mechanical contrivance or with the aid of animals, but do not include ordinary chakkis worked by hand.

2. No person shall establish or maintain a flour mill within the limits of the Cantonment except in accordance with the conditions laid down below:—

- (a) The premises in which the mill is situated shall be pucca in construction and strong enough to stand the vibration of the mechanical power used to work the machinery for milling the grain and shall not form part of or be contiguous to any premises used for residential purposes at the time the mill is first established except in cases where the owner of the mill himself resides in those premises or written permission of both the owner and occupier of the said premises has been previously obtained and filed in the Office of the Cantonment Board.
- (b) Such premises shall not be situated within 100 feet of a public latrine or a dust bin or place where any offensive trade, from which dust or obnoxious or dangerous gases arise, is carried on unless some suitable arrangement has been made to the satisfaction of the Executive Officer to prevent contamination of flour therefrom.
- (c) There shall be no privy on the premises unless it is separated from the flour mill by an open passage at least 6 feet wide or by a substantial wall.
- (d) All the drain pipes or sewers which run under the factory, shall be constructed of circular glazed stone or earthenware or cast iron pipes or of other non-absorbent material.
- (e) Such premises shall to the satisfaction of the Executive Officer be kept clean, in good order and proper repair, well lighted, ventilated and drained.
- (f) The floor of the premises shall be pucca and cemented and also the walls up to a height of at least 6 feet.
- (g) The weights used shall be of iron and of the standard weights prescribed in the market.
- (h) The mill shall not be used for milling any substance other than grain.
- (i) If the owners grind their own grain, it shall be cleared of grit and dust before it is milled.

- (j) The access door from the engine room to the milling room shall be sufficiently removed to avoid any chance of contamination.
- (k) The milling room shall be provided with a wooden plank fixed on the floor for keeping bags, cloth, etc., for the reception of the flour as it issues out of the mill.
- (l) There shall be a clear space all round the mill stones to facilitate cleansing.
- (m) A visitor's gallery shall be provided whence customers can watch their respective quantities of grain being ground in the mill.
- (n) There shall be no served privy within 20 feet of the milling and the store-room.
- (o) No machine driven by engines exceeding 20 horse power will be allowed except in the industrial area.
- (p) In the case of a mill worked by a steam engine the chimney shall be at least 15 feet higher than the highest building within a radius of 100 feet.

3. The owner of the mill shall comply with any order which may be issued to him by the Executive Officer regarding the sanitary measures to be adopted for securing the proper cleansing of the premises.

4. The premises shall be open to the inspection of the Executive Officer, Medical Officer of Health and Sanitary Inspector or any other officer empowered by the Executive Officer in writing. Such Inspecting Officer shall be empowered to remove for examination by the Medical Officer of Health, samples of grain or flour, and the owner shall comply within a reasonable period with any order consistent with these bye-laws which the Board may pass on the report of any of the Inspecting Officers named above.

5. No person suffering from an infectious or contagious disease shall be employed inside the flour mill.

6. The mill shall be worked only during the day, i.e., from sunrise to sunset.

7. A breach of any of the provisions of the foregoing bye-laws shall be punishable with fine which may extend to Rs. 50 and in the case of a continuing breach with a further fine which may extend to Rs. 5 for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

[*Gazette of India*, 1927, Pt. II-A, p. 520.]

*No. 2223-B., dated the 13th October, 1924.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924

(II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Mhow, under sections 282 (18) and 283 of the said Act.

**BYE-LAWS REGARDING THE ERECTION OF TEMPORARY STRUCTURES.**

No enclosure or fence or other temporary structure of whatsoever material or nature shall be erected on any land situated within the Cantonment without the sanction of the Cantonment Authority.

A breach of this bye-law shall be punishable with a fine which may extend to fifty rupees.

[*Gazette of India*, 1924, Pt. II-A, p. 343.]

*No. 2211-B., dated the 13th October, 1924.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Mhow, under section 282 (20) of the said Act.

**BYE-LAWS REGARDING THE PROTECTION OF PUBLIC PROPERTY.**

**1. No person shall—**

- (a) pluck any flower, leaf or fruit in any public place or from any public enclosure, or
- (b) cause or allow to be caused by negligence or otherwise damage to any fence or wall of any public enclosure or to any plant, shrub, tree, grassplot tree-guard, lamp post, sign post, notice board or the like in any public place.

2. Any person contravening this bye-law shall be punishable with fine which may extend to Rs. 50.

[*Gazette of India*, 1924, Pt. II-A, p. 342.]

*No. 27-B.—26 (2), dated the 16th February, 1926.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, and in supersession of the Central India Agency Notification No. 82-B.—24 (f), dated the 14th July, 1925, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Mhow, under sections 282 (21) and 283 of the said Act.

GRAZING BYE-LAWS.

1. The owners of all animals which graze on Cantonment grazing grounds shall apply to the Executive Officer for a grazing tally which will be supplied on payment of one anna *plus* the following grazing fees:—

Buffalo, cow, bullock, bull, horse, Re. 1 per head per annum.

Sheep, goat, calf, donkey, As. 6 per head per annum.

2. Each herdsman shall keep on his person the tallies of all animals grazed by him while the animals are being grazed or are being driven to and from grazing grounds.

3. There shall be at least one herdsman for cattle grazed up to 25 in number. No herdsman shall be under 16 years of age. No lathis with iron tops or other dangerous weapons shall be carried by herdsmen.

4. No grazing is allowed on any Cantonment land except the authorised Cantonment grazing grounds. No grazing is allowed on Military land without the sanction of the Military authorities. There shall be no grazing between sunset and sunrise except on land possessed by the owner of the animal as proprietor, mortgagee or lessee.

5. Grazing chawkidars will be appointed by the Cantonment Authority to check the grazing tallies, recover fees, and see that the above rules are enforced.

6. A contravention of any of these bye-laws shall be punishable with a fine which may extend to Rs. 100 and in the case of a continuing contravention with an additional fine which may extend to Rs. 20 for every day during which such contravention continues after conviction for the first contravention.

[*Gazette of India*, 1926, Pt. II-A, p. 60.]

*No. 2227-B., dated the 13th October, 1924.*—In exercise of the powers conferred by sub-section (I) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Mhow, under sections 282 (23) and 283 of the said Act.

*Bye-laws regarding the posting of bills and advertisements.*

No bill or advertisement shall be posted on any wall or house, culvert, telegraph post, lamp post, tree or in any other place other than on the Cantonment public notice boards except with the sanction of the Executive Officer.

A breach of this bye-law shall be punishable with a fine which may extend to twenty rupees.

[*Gazette of India*, 1924, Pt. II-A, p. 343.]

*No. 2231-B., dated the 13th October, 1924.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Mhow, under section 282 (29) and 283 of the said Act.

*Bye-laws regarding the appointment of agents by owners of buildings or land, temporarily absent from or not residing in the Cantonment.*

1. Every owner of a building or land situated within the Cantonment who does not reside within the Cantonment or who is absent therefrom or has been so absent for more than three months shall appoint in the manner hereinafter set forth a person ordinarily resident within the Cantonment to be his agent for all the purposes of the Cantonments Act, 1924, or any rule or bye-law made thereunder:

2. Every owner who is bound by bye-law 1 to appoint an agent shall intimate to the Executive Officer in writing the name of such agent and when such agent shall have intimated to the Executive Officer in writing his willingness to serve, the owner shall be deemed to have complied with the preceding bye-law.

3. The Cantonment Authority may serve notices or bills upon or demand payment of its dues from, such agent instead of upon or from his principal and the principal shall thereupon become liable as if the notice or bill had been served upon, or the demand made from, him personally.

4. Any owner of a building or land failing to appoint an agent in the manner required by bye-laws 1 and 2 shall be punishable with a fine which may extend to fifty rupees and in the case of a continuing failure, with an additional fine which may extend to five rupees for every day during which such failure continues after conviction for the first such failure.

[*Gazette of India*, 1924, Pt. II-A, p. 344.]

*No. 227-B., dated the 26th January, 1925.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Mhow, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Mhow, under section 282 (22) (23) and (24) of the said Act.

*Bye-laws relating to water supply in the Mhow Cantonment.*

(1) The maintenance and management of the Mhow Water Works shall be under the control of the Executive Engineer, Mhow.

(2) The erection of any building over the water Mains or connections without the approval of the Assistant Commanding Royal Engineers is forbidden.

(3) No person shall bathe himself, or cause to be bathed any other person, in, at, upon or by the side of the reservoirs or public stand posts or shall wash or cleanse or cause to be washed or cleaned in, at, upon or by the side of such reservoir or stand posts any vehicle carriage or cart, any dog, horse or other animal, any wool-cloth or wearing apparel; any utensil for cooking or other purposes any leather or skins of any animal or any foul or offensive thing.

(4) Water may be supplied to Civil consumers under the following conditions:—

(a) A consumer shall bear the cost of a new water connection or any alterations or repairs to an existing connection.

(b) Applications for such connections, alterations or repairs by private individuals shall be made in writing to the Executive Engineer.

(c) All materials required for laying a pipe shall be supplied by the Executive Engineer, unless the latter grants permission in writing to the applicant to supply his own materials.

(d) The estimated cost of laying pipes, etc., shall be intimated to the person applying for water, and he shall lodge the amount of the estimate in the office of the Executive engineer before the work is commenced.

(e) A consumer found to be wasting water shall be liable to have his water connection cut off at the discretion of the Executive Engineer.

(5) Any leakages, bursts, or other defects, in private lines shall be forthwith reported to the Executive Engineer by the consumer.

(6) The Executive Engineer may cut off a supply granted for purposes of repairs to, or building of any house and may at his discretion refuse to sanction any new connection without assigning any reasons therefor and no appeal shall lie against his decision.

(7) Water may be supplied to the Railway at a rate to be fixed by the Cantonment Authority.

(8) All works, in connection with the water supply, shall be executed by the Executive Engineer or person acting under him. No person shall manipulate or interfere with or damage or cause to be damaged the Water Works or pipes or fittings connected therewith.



(9) The public standposts shall be for the use of the general public and shall not be reserved for any particular community, family, or sect.

(10) Animals shall not be watered except from troughs constructed of masonry or metal and fitted with a proper ball-cock in a covered division of the trough.

(11) Latrines and urinals shall not be connected with a pipe line.

(12) No person shall draw water from any public standpost for consumption for other than domestic purposes without the previous written sanction of the Cantonment Executive Officer.

(13) After drawing the water from any public standpost, the person who has drawn it shall immediately close the tap so as to stop the flow.

(14) No one shall drink or use the water of any public standpost without first drawing it off into a vessel.

(15) The owner or occupier of any building or land connected with the water mains shall, if so desired by the Executive Engineer, allow him or a Government servant authorised by him to make an inspection of such building or land at any time between sunrise and sunset, in order:—

(a) to remove, test, examine and replace any meter or,

(b) to examine the communication pipe and any storage cisterns connected therewith,

(c) to see if there be any waste or misuse of water.

(16) Any contravention of bye-laws 2, 3, 8, 10, 12, 13, 14 and 15 shall be punishable with fine which may extend to one hundred rupees and, in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention.

[*Gazette of India*, 1925, Pt. II-A, p. 58.]

#### BYE-LAWS OF NIMACH CANTONMENT.

*No. 1505-B., dated the 29th May, 1925.*—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 119 and 283 of the said Act.

#### *Bye-laws relating to the registration of dogs.*

1. Every dog over 6 months old kept within the limits of the Neemuch Cantonment shall be registered.

2. In the case of dogs kept by Indian Officers, Warrant Officers, Non-Commissioned Officers and men of the regular forces, the registration shall be carried out by the Officer Commanding the Units, in other cases by the Executive Officer of the Cantonment Authority.

3. Every owner of a dog which is required to be registered under the preceding bye-laws shall apply to the Registration Authority concerned for registration of such dog within 15 days from the date on which the dog has become liable to registration. The application shall state (1) the size, (2) the colour, (3) the breed (if known) of the dog.

4. Every registered dog shall wear a collar to which shall be attached a metal token.

5. Metal tokens will be issued by the Registration Authority on payment of annas four per token.

6. Any dog found in any public place shall unless registered and wearing such token be detained in the Cantonment dog kennels or in any other suitable place. The fee charged for such detention shall be four annas per diem. Any such dog shall be liable to be destroyed or otherwise disposed of, unless claimed within one week and the fee paid.

7. Any breach of bye-laws 3 and 4 shall be punishable with a fine which may extend to Rs. 20.

[*Gazette of India*, 1925, Pt. II-A, p. 164.]

*No. 1521-B., dated the 29th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 200, 282 (3), 282 (17) and 283 of the said Act.

*Bye-laws relating to Slaughter House.*

1. No animal shall be slaughtered in the Cantonment Slaughter House unless it has been inspected and passed by the Cantonment Cattle Inspector.

<sup>1</sup>[1-A. Every animal inspected by the Cantonment Cattle Inspector shall be branded P (passed) or R (rejected).]

2. All animals to be slaughtered shall be examined by the Cattle Inspector who shall satisfy himself that the animal

(i) is fit for use as human food.

(ii) is not diseased or advanced in pregnancy,

<sup>1</sup> Inserted by Notification No. 950-B., dated the 10th May, 1927. *Gazette of India*, 1927, Pt. II-A, p. 236.

(iii) is not very infirm or excessively old,

(iv) is not a cow in milk or a calf with a cow in milk;

provided that an animal which has met with an accident rendering it unfit for further work shall not be rejected merely on this account.

3. The Cantonment Cattle Inspector shall be on duty at the Cantonment Slaughter House throughout the hours prescribed for slaughter.

4. He shall keep a daily register showing the number and description of animals slaughtered and shall bring a daily abstract of same to the Cantonment Office.

5. The following fees shall be paid for each animal slaughtered:—

Bullocks [4]<sup>1</sup> annas per head.

Goats, sheep, kids and lambs <sup>1</sup>[2] annas per head.

The fees for animals slaughtered in the Cantonment Slaughter House shall be paid to the Cattle Inspector.

On receipt of the fee the latter shall fill up a ticket and counterfoil in the form prescribed and hand the former to the person paying the fee. The counterfoil shall be produced daily in the Cantonment Office with the amounts collected.

6. No one but the butchers, their assistants and Cantonment Officers connected with the Cantonment Slaughter House and no dogs shall be allowed to enter the Cantonment Slaughter House. No animal shall be admitted into the Cantonment Slaughter House unless it is intended for immediate slaughter.

7. No person shall slaughter in the Cantonment Slaughter House except at the following hours:—

Beef.	Mutton.	Mutton 1st Class
Summer 5 P.M.	5 A.M.	7-30 P.M.
Winter 5-30 P.M.	5-15 A.M.	7 P.M.

8. Immediately after the slaughter of animals the Cantonment Slaughter House shall be carefully washed, cleaned and locked up by the Cantonment Cattle Inspector.

9. Every carcase shall after slaughtering, skinning and cleaning be presented for inspection to the Cantonment Cattle Inspector and no carcase shall be removed from the Slaughter House until it has been passed by this Official as fit for human consumption.

10. Skins, entrails and offal after being properly washed and cleaned shall be removed from the Slaughter House by the butchers.

Any skin, entrail or offal not removed before the time at which the Cantonment Slaughter House is closed for the day will be disposed of

<sup>1</sup> Substituted by Notification No. 1439-B., dated the 20th July, 1923. *Gazette of India*, 1923, Pt. II-A, p. 280.

by the Cattle Inspector by being at once buried in the ground at the appointed place together with blood and other leavings.

11. Meat, entrails and offal shall be removed from the Cantonment Slaughter House in the Cantonment covered carts and the Cattle Inspector shall daily inspect these carts and see that they are kept clean and in good order.

12. No meat shall be sold in or near the Slaughter House.

13. The Cantonment Cattle Inspector will inspect the surroundings outside the Slaughter House daily and see that they are clean and free from flies.

14. (a) Any carcase or meat considered by the Cattle Inspector to be unfit for human consumption will be produced before the Cantonment Executive Officer who will dispose of the same in accordance with Section 215, Cantonments Act, 1924.

(b) Any animal which is produced for inspection and is suspected by the Cattle Inspector to be suffering from any contagious disease will be isolated by him near the Slaughter House trenching ground and he will make an immediate report to the Cantonment Executive Officer who will act in accordance with Section 215, Cantonments Act, 1924.

<sup>1</sup>[14-A. Cattle to be kept in the Cattle Yard at night shall be brought into the Cattle-Yard before 7-30 P.M. in summer and 5-30 P.M. in winter.]

15. Each animal for slaughter kept in the Cattle Yard shall be given at least 10 lbs. of grass or hay per day, by the owners of the animals in the presence of the Meat Inspector.

16. A breach of any of the above bye-laws 1, 7, 9, 11, 12 and 15 shall be punishable with a fine which may extend to fifty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 165.]

*No. 1497-B., dated the 29th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 282 (1) and 283 of the said Act.

*Bye-laws relating to the Registration of Births and Deaths.*

1. The head of every family resident in or on a visit to the Cantonment, and the keeper or person in charge of every lodging house, Dharamshala, Sarsai, Hospital, or other similar institution therein, shall within three days of the occurrence of any birth or death in his family

<sup>1</sup> Inserted by Notification No. 960-B., dated the 10th May, 1927. *Gazette of India*, 1927. Pt. II-A., p. 286.

or among persons staying in the said premises, report the same personally or by an agent or in writing to the Station House Officer of the Cantonment.

2. The report shall contain the following particulars:—

*A.—Regarding birth.*

1. Date and time of birth.
2. Name (if any) of child.
3. Whether still born.
4. Name of father or mother.
5. Sex.
6. Caste.
7. Profession of parent.
8. Name of Mohalla and number of house.
9. Name of reporter.
10. Signature of recording officer with date.

*B.—Regarding death.*

1. Date and time of death.
2. Name of deceased and name of father, husband or guardian.
3. Sex.
4. Caste and profession.
5. Age.
6. Cause of death attested by a medical practitioner when such practitioner is in attendance.
7. Name of Mohalla and number of house.
8. Name of reporter.
9. Signature of recording officer.

Provided that if the deceased be a *perdanashin* woman, the entry of her name shall not be necessary, in such cases it will be sufficient to enter the relation which she bears to the head of her family.

3. (a) Two separate registers shall be kept by the Station House Officer in which particulars aforesaid as to birth or death respectively shall be duly entered within 24 hours of the receipt of the report referred to in bye-law 1.

(b) No charge shall be made for the registration of any birth or death.

4. Any person interested in any birth or death may apply for a copy of the entry relating to it and the Station House Officer shall grant him

a copy on payment of Re. 1. The copying fees realized under this bye-law shall be credited to the Cantonment Fund.

5. (a) Any clerical error which may at any time be discovered in the registers may be corrected by the Station House Officer. An error of fact or substance in any such registers may be corrected by the Station House Officer by an entry in the margin, without any alteration of the original entry, upon production to the Station House Officer by the person requiring such error to be corrected of a declaration on oath setting forth the nature of the error and the true facts of the case made before the District Magistrate by the person required to give information concerning the birth or death with reference to which the error has been made or, in default of such person, by two credible persons having knowledge of the case and certified by the District Magistrate to have been made in his presence.

(b) Except as aforesaid no alteration shall be made in any such register.

6. A breach of the above bye-law No. 1 shall be punishable with fine which may extend to fifty rupees.

[*Gazette of India*, 1925. Pt. II-A, p. 163.]

*No. 1433-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under section 282 (3) of the said Act.

*Bye-laws relating to the recovery of dog tax.*

I. Notices, accompanied by blank declaration forms, shall be issued by the Cantonment Authority to all persons liable to the payment of the tax, stating the amount of the tax due from them.

Provided that the omission to send such notice shall not exempt any person from liability to pay the tax.

II. Every person liable to pay the tax shall, within 7 days of the receipt of notice under the preceding rule, return the declaration form duly filled in, together with the amount of the tax to which he is liable, to the Executive Officer who shall grant a receipt for the amount.

III. An appeal against the assessment or levy of the tax shall lie to the District Magistrate, or to such officer as may be empowered by the Local Government in this behalf, who will be guided by the provisions of sections 84 to 88 of the Cantonments Act, 1924.

IV. No objection shall be taken to any assessment, nor shall the liability of any person to be assessed or taxed be questioned in any other

manner or by any other authority, than is provided in these rules or in the Cantonments Act, 1924.

V. The Central India Agency Notification No. 56-B., dated the 22nd January, 1915, as far as it relates to the Neemuch Cantonment is hereby cancelled.

[*Gazette of India*, 1925, Pt. II-A, p. 161.]

*Bye-laws for the control of motor traffic in Mhow, Nimach and Nowgong No. 4246, dated the 18th August, 1924.*—Printed *supra*, page 336.

*No. 1437-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 282 (4) and 283 of the said Act.

*Bye-laws relating to traffic on streets.*

1. No horse shall be trained or broken in on any public road or street in the Cantonment.

2. No horses or mules shall be exercised on the Mall or in the Bazaar.

3. No bullock cart shall be driven along the Mall without a pass signed by the Executive Officer.

(Residents who reside in houses on the Mall who require carts at their houses should apply for a pass at least 24 hours beforehand.)

4. No animal shall be ridden or driven and no vehicle shall be driven on any street in a rash or negligent manner or without proper control.

5. No vehicle or animal shall be left on a street without proper control.

6. Whoever is driving any elephant or camel on a street shall remove the same to a safe distance on the approach of a horse or of bullock drawn vehicle.

7. No person shall—

(a) cause any vehicle with or without an animal harnessed thereto to remain or stand so as to cause obstruction in any street longer than may be necessary for loading or unloading or for taking up or setting down passengers, or

(b) leave or fasten any vehicle or animal so as to cause obstruction in any street, or

(c) expose any article for sale whether upon a booth stall or in any other manner so as to cause obstruction in any street,  
or

(d) in any other manner wilfully obstruct or cause obstruction to the free passage of any street.

8. No vehicle shall be driven or kept standing on any street at a time or in a manner prohibited by a public notice issued by the Cantonment Authority.

A breach of any of the above bye-laws shall be punishable with a fine which may extend to fifty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 161.]

*No. 1441-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 282 (5) and 283 of the said Act.

*Bye-laws relating to the lighting of vehicles.*

No vehicle shall be driven, led or kept standing on any street between sunset and sunrise without a suitable lamp placed on each side thereof. Provided that for bicycles only one lamp shall be necessary.

A breach of this bye-law shall be punishable with a fine which may extend to fifty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 162.]

*No. 1449-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 282 (7) and 283 of the said Act.

*Bye-laws relating to the prevention and extinction of fire.*

1. Except in quantities which are required for ordinary domestic purposes no wood, dry grass, straw, charcoal, dung-cakes or other inflammable materials shall be collected inside the dwelling houses or close to dwelling houses in the Cantonment.

2. No naked light shall be used where fire-works, kerosine oil or any inflammable articles are sold or stored.

3. No inflammable material shall be stored in cook houses or near fire.

4. A breach of any of the above bye-laws shall be punishable with fine which may extend to fifty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 162.]



2. No animal shall be tied in dwelling houses except where there is a separate room attached to the house and set apart for the purpose.

3. A breach of any of the above bye-laws shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention.

[*Gazette of India*, 1925, Pt. II-A, p. 162.]

*No. 1461-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 282 (12) and 283 of the said Act.

*Bye-laws relating to the disposal of corpses.*

1. No person shall bury or burn any corpse except in the place appointed by the Cantonment Authority.

2. Corpses shall be buried or burnt within 24 hours of death.

3. All graves shall be at least 3 feet apart from one another and six feet deep.

4. A breach of any of the above bye-laws shall be punishable with fine which may extend to fifty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 163.]

*No. 1509-B., dated the 29th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 282 (13) and 283 of the said Act.

*Bye-laws relating to the itinerant vendors.*

1. No itinerant vendor or Hawker shall hire or occupy any street or place for the sale of articles in the Cantonment except after obtaining a written pass from the Executive Officer and on payment of the prescribed fees.

2. The fees charged shall be at the following rates:—

2 annas for a week or under.

4 annas for more than 7 and less than 15 days.

8 annas for full month or part thereof exceeding 15 days.

3. A breach of any of the above bye-laws shall be punishable with fine which may extend to twenty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 164.]

*No. 1513-B., dated the 29th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 282 (14) and 283 of the said Act.

*Bye-laws relating to Sarais, Washing places, etc.*

(1) No public street or open ground within the Cantonment limits shall be used for camping or the holding of fairs, etc., without the sanction of the Cantonment Authority.

(2) No Jhoolas, wrestling place, merry-go-rounds or Charkies, etc., shall be put up without the permission of the Cantonment Authority.

(3) Washings are only to be made at the places appointed by the Cantonment Authority.

(4) (a) Sarais shall be used for travellers only.

(b) No baggage carts, camels, donkeys used for the purpose of carrying goods shall be admitted in the Sarais. These will be parked in the authorised Halting Place.

(c) All drains, water-troughs, cooking-places, latrines, urinals, etc., in Sarais must be kept clean.

(5) (a) The utensils used in hotels, lodging houses and boarding houses must be of aluminium, china earth or any other material approved by the Executive Officer.

(b) All dirty water must be collected in receptacles.

(6) No animals of any description shall be kept in hotels, lodging house, boarding houses or in refreshment rooms.

(7) The fees for permission granted under bye-law 2 will be annas four a day.

(8) A breach of any of the above bye-laws shall be punishable with fine which may extend to twenty-five rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 164.]

*No. 1517-B., dated the 29th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonments of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish

for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 282 (18) and 283 of the said Act.

*Bye-laws relating to the erection of enclosure. etc.*

No enclosure or fence or other temporary structure of whatsoever material or nature shall be erected on any land situated within the Cantonment without the sanction of the Cantonment Authority. A breach of this bye-law shall be punishable with a fine which may extend to fifty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 165.]

No. 1393-B., dated the 26th May, 1925.—In exercise of the powers conferred by sub-section (I) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under sections 282 (20) and 283 of the said Act.

*Bye-laws relating to the use of public places.*

1. No person shall—

- (a) pluck any flower, leaf or fruit in any public places or from any public enclosure, or
- (b) cause or allow to be caused by negligence or otherwise damage to any fence or wall of any public enclosure or to any plant, shrub, tree, grass, plot, tree guard, lamp post, sign post, notice board or the like in any public place.

2. Any person contravening this bye-law shall be punishable with fine which may extend to Rs. 50.

[*Gazette of India*, 1925, Pt. II-A, p. 159.]

No. 1397-B., dated the 26th May, 1925.—In exercise of the powers conferred by sub-section (I) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under sections 282 (22) and 283 of the said Act.

*Bye-laws relating to bathing and washing.*

- 1. Bathing and washing in the Cantonment river, called Sewar Nulla, shall be done only in those places appointed by the Cantonment Authority, i.e., below the Biddulph Bund after the sluice gates are closed.

2. Bathing or washing of any animal or article is prohibited up stream from the Biddulph Bund.

3. A breach of any of the above bye-laws shall be punishable with fine which may extend to fifty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 159.]

*No. 1401-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under sections 282 (23) and 283 of the said Act.

*Bye-laws relating to the posting of Bills and Advertisements.*

1. Bills or advertisements shall be posted only on the Cantonment public Notice Boards.

2. A breach of the above bye-laws shall be punishable with fine which may extend to twenty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 159.]

*No. 1429-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under sections 282 (25) and 283 of the said Act.

*Bye-laws relating to the licensing of donkeys.*

1. Every proprietor of a donkey plying for hire within the Neemuch Cantonment shall take out license annually on application to the Executive Officer.

2. The fee payable for the license for each donkey shall be annas 8 per annum and must be deposited with the application for license.

3. The Executive Officer may refuse the grant of a license if the donkey appears to him to be unfit for work; and may suspend or cancel any license in part or in whole for the same reason.

4. The rates of hire chargeable for work within the limits of the Neemuch Cantonment, and without such limits, if hired within those limits, for a period not exceeding 24 hours, or for a service which would ordinarily be performed within 24 hours, shall be in accordance with the rate fixed by the Executive Officer in the license.

5. The proprietor of a donkey shall be bound on demand by the Executive Officer to supply his donkey for Government or Cantonment work.

6. A license may be cancelled or suspended by the Executive Officer, should the proprietor of a licensed donkey evade compliance with any demand made under bye-law 5.

7. The proprietor of any donkey whose license has been cancelled under bye-law 3 or 6 shall not use the donkey during such suspension, or after such cancellation.

8. Every licensed donkey will be numbered and the discs containing the number shall either be hung on the donkey or kept in the possession of the driver.

9. The load to be carried on a donkey shall not exceed two maunds.

10. Any breach of the provisions of these bye-laws shall be punishable on conviction by a Magistrate with fine which may extend to Rs. 20 and in the case of continuing breach with an additional fine not exceeding five rupees for every day during which such breach continues after conviction for the first such breach.

[*Gazette of India*, 1925, Pt. II-A, p. 161.]

*No. 1501-B., dated the 29th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924) as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws, made by the Cantonment Authority, Neemuch, under sections 282 (26) and 283 of the said Act.

*Bye-laws relating to the licensing of camels.*

1. Every proprietor of a camel plying for hire within the Neemuch Cantonment shall take out a license annually on application to the Executive Officer.

2. The fee payable for the license for each camel shall be Re. 1-8-0 per annum and must be deposited with the application for a license.

3. The Executive Officer may refuse the grant of a license if the camel appears to him to be unfit for work and may suspend or cancel any license in part or in whole for the same reason.

4. The rates of hire chargeable for work within the limits of the Neemuch Cantonment, and without such limits if hired within those limits, for a period not exceeding 24 hours or for a service which would ordinarily be performed within 24 hours shall be in accordance with the rate fixed by the Executive Officer in the license.

5. The proprietor of a camel shall be bound on demand by the Executive Officer to supply his camel for Government or Cantonment work.

6. A license may be cancelled or suspended by the Executive Officer, should the proprietor of a licensed camel evade compliance with any demand made under bye-law 5.

7. The proprietor of any camel whose license has been suspended or cancelled under bye-law 3 or 6 shall not use the camel during such suspension or after such cancellation.

8. Every licensed camel will be numbered and the discs containing the number shall either be hung on the camel or kept in the possession of the driver.

9. The load to be carried on a camel shall not exceed 7 maunds.

10. Any breach of the provisions of these bye-laws shall be punishable with fine which may extend to Rs. 20 and in the case of continuing breach with an additional fine not exceeding five rupees for every day during which such breach continues after conviction for the first such breach.

[*Gazette of India*, 1925, Pt. II-A, p. 164.]

*No. 1477-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (7) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor (General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under sections 282 (29) and 283 of the said Act.

*Bye-laws relating to the appointment of Agents.*

1. Every owner of a building or land situated within the Cantonment who does not reside within the Cantonment or who is absent therefrom or has been so absent for more than three months shall appoint in the manner hereinafter set forth a person ordinarily resident within the Cantonment to be his agent for all the purposes of the Cantonments Act, 1924, or any rule or bye-laws made thereunder.

2. Every owner who is bound by bye-law 1 to appoint an agent shall intimate to the Executive Officer in writing the name of such agent and when such agent shall have intimated to the Executive Officer in writing his willingness to serve, the owner shall be deemed to have complied with the preceding bye-law.

3. The Cantonment Authority may serve notices or bills upon, or demand payment of its dues from, such agent instead of upon or from his principal and the principal shall thereupon become liable as if the notice or bill had been served upon or the demand made from him personally.

4. Any owner of a building or land failing to appoint an agent in the manner required by bye-laws 1 and 2 shall be punishable with a fine which may extend to fifty rupees, and in the case of a continuing failure, with an additional fine which may extend to five rupees for every day during which such failure continues after conviction for the first such failure.

[*Gazette of India*, 1925, Pt. II-A, p. 160.]

*No. 1405-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under sections 282 (30) and 283 of the said Act.

*Bye-laws relating to infectious or contagious diseases.*

1. All cases of infectious or contagious diseases will be isolated under the orders of the Medical Officer in Charge, Cantonment General Hospital.

2. All deaths from or suspected to have been caused by an infectious or contagious disease shall be reported by the medical practitioner in charge of the case and if no medical practitioner is in charge of the case by the person in charge of or in attendance on the patient, to the Medical Officer in Charge, Cantonment General Hospital, who will issue orders regarding the disposal of the corpse.

3. A breach of any of the above bye-laws shall be punishable with fine which may extend to fifty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 160.]

*No. 1413-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under sections 282 (31) and 283 of the said Act.

*Bye-laws relating to segregation of animals suffering from contagious or infectious diseases.*

1. Whoever, being the owner of any animal suffering or reasonably suspected to be suffering from a contagious or infectious disease shall, if he fails to give immediate information or gives false information to the Cantonment Authority, be punishable with a fine which may extend to Rs. 50.

2. All animals suffering or reasonably suspected to be suffering from any contagious or infectious disease may be segregated or destroyed under the orders of the Cantonment Authority who will recover from the owner any expenses for feeding and treatment incurred by it.

[*Gazette of India*, 1925, Pt. II-A, p. 160.]

*No. 1421-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under sections 282 (32) and 283 of the said Act.

*Bye-laws relating to water-supply.*

1. Water for drinking purposes shall be taken only from the wells marked as containing "Drinking Water".
2. No well shall be contaminated or polluted in any manner whatever.
3. Only clean utensils shall be used for drawing and carrying water.
4. A breach of any of the above bye-laws shall be punishable with fine which may extend to fifty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 160.]

*No. 1409-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under sections 282 (36) and 283 of the said Act.

*Bye-laws relating to cutting of trees, etc.*

1. No trees or shrubs of mature growth, whether standing in any private enclosure or not, shall be felled without the previous sanction of the Cantonment Authority.
2. All hedges shall be trimmed to a uniform height not exceeding 6 feet.
3. Quarrying or removing earth, sand, gravel or stone, except at the place or places fixed by the Cantonment Authority, is prohibited.
4. No excavation shall be made within 20 yards of a public road or track, or within 5 yards of any tree.
5. Earth, gravel, sand, stone and moorum shall be quarried in such a manner as to ensure that no pits or hollows in which rain-water can stand are left.



6. A breach of any of these bye-laws shall be punishable with a fine which may extend to fifty rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 160.]

*No. 1425-B., dated the 26th May, 1925.*—In exercise of the powers conferred by sub-section (1) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Neemuch, the Agent to the Governor General in Central India is pleased to confirm and publish for general information the following bye-laws made by the Cantonment Authority, Neemuch, under sections 282 (39) and 283 of the said Act.

*Bye-laws relating to number of houses.*

Every owner of a bungalow or house in the Cantonment shall have legibly painted on the gate post or front wall its correct serial number as allotted by the Cantonment Authority.

A breach of the above bye-law shall be punishable with fine which may extend to twenty-five rupees.

[*Gazette of India*, 1925, Pt. II-A, p. 161.]

BYE-LAWS OF NOWGONG CANTONMENT.

*Bye-laws for control of motor traffic in Mhow, Neemuch and Nowgong.*

\* *No. 4246, dated the 18th August, 1924.*—Printed *supra*, page 336.

PROVIDENT FUNDS ACT, 1925.

*'Application of the Act to Provident Funds of Local Authorities.*

*No. 468-B., dated the 16th February, 1929.*—In exercise of the powers conferred by section 8 of the Provident Funds Act, 1925 (XIX of 1925), as applied to the Administered Areas in Central India, the Hon'ble the Agent to the Governor General in Central India is pleased to direct that the provisions of the said Act shall apply to Provident Funds established for the benefit of their employees by the Local Authorities in the said areas.

[*Gazette of India*, 1929, Pt. II-A, p. 93.]

INDIAN SUCCESSION ACT, 1925.

*Appointment of Office for deposit of declaration.*

*No. 2343-B., dated the 6th November, 1923.*—In exercise of the powers conferred by Section 11 of the Indian Succession Act, 1865 (X

\* See now the Indian Succession Act, 1925 (XXXIX of 1925).

of 1865), as applied by Government of India Notification No. 262-I. B., dated the 10th February, 1913, to the Railway lands in Central India over which jurisdiction has been ceded and by Government of India<sup>1</sup> Notification No. 2365-I. B., dated 14th November, 1912, to the administered areas in Central India the Agent to the Governor General in Central India is pleased to appoint the office of the Secretary to the Agent to the Governor General to be the office in which declarations under the said Section may be deposited by persons residing in the said Railway land and administered areas in Central India who may desire to acquire a domicile therein.

[*Gazette of India*, 1923, Pt. II-A, p. 98.]

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<sup>1</sup> See now Notification No. 262-I., dated the 24th April, 1929. Printed *supra*, p. 28.







### IX.—Orders under Local Laws.

#### CENTRAL INDIA (ADMINISTERED AREAS) EXCISE LAW, 1917.

##### *Appointment of Local Excise Authority, Mhow and Neemuch. Amendment of Notifications.*

*No. 1129-B., dated the 6th June, 1924.*—In exercise of the powers conferred by sub-clause (i) of clause (k) of sub-section (1) of section 2 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India is pleased to appoint the Executive Officer at each of the Cantonments of Mhow and Neemuch as Local Excise Authority for the Cantonment concerned in place of the Cantonment Magistrate, and to direct that the words "Local Excise Authority" shall be substituted for the words "Cantonment Magistrate" in respect of the Cantonments of Mhow and Neemuch wherever they occur in the Notifications and Rules issued under the Law.

[*Gazette of India, 1924, Pt. II-A, p. 206.*]

##### *Appointment of Local Excise Authority, Nowgong. Amendment of Notifications.*

*No. 1131-B., dated the 6th June, 1924.*—In exercise of the powers conferred by sub-clause (i) of clause (k) of sub-section (1) of section 2 of the Central India (Administered Areas) Excise Law, 1917<sup>1</sup>, and in supersession of Notification No. 2495-B., dated the 22nd November, 1923, the Agent to the Governor General in Central India is pleased to appoint the Executive Officer at Nowgong as the Local Excise Authority for the Cantonment and Civil Lines of Nowgong in place of the Treasury and Judicial Officer, and to direct that the words "Local Excise Authority" shall be substituted for the words "Cantonment Magistrate" or the words "Treasury and Judicial Officer" in respect of the Cantonment and Civil Lines of Nowgong wherever they occur in the Notifications and Rules issued under the Law.

[*Gazette of India, 1924, Pt. II-A, p. 206.*]

*No. 3287-C., dated the 8th May, 1929.*—In exercise of the powers conferred by sub-clause (i) of clause (k) of sub-section (1) of section 2 of the Central India (Administered Areas) Excise Law, 1917<sup>1</sup>, and in modification of Notification No. 1131-B., dated the 6th June, 1924, the Agent to the Governor General in Central India is pleased to direct that the Head Clerk to the Political Agent in Bundelkhand shall be the Local

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<sup>1</sup> Printed *supra*, p. 40.

Excise Authority for the Cantonment and Civil Lines of Nowgong, for so long as the appointment of Head Clerk to the Political Agent in Bundelkhand is held by Rai Saheb Ras Behari Lal.

[*Gazette of India*, 1929, Pt. II-A, p. 206.]

*Definition of "Country Spirit" and "Foreign Spirit".*

No. 532-B., dated the 22nd March, 1921.—In exercise of the powers conferred by sub-section (2) of section 2 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India is pleased to decide that plain spirit, other than rectified spirit, manufactured in India, whether by indigenous or by European processes, shall be deemed to be "country" spirit provided that it is not so coloured, tintured or otherwise sophisticated as to resemble imported spirit: and that rectified spirit and spirit so coloured, tintured, or sophisticated as above shall be deemed to be "foreign" spirit. For the purposes of this notification rectified spirit means plain spirit on a strength not less than 50 degrees over proof.

2. Notification No. 1398-B., dated the 20th August, 1919, is hereby cancelled.

[*Gazette of India*, 1921, Pt. II, p. 451.]

- (a) *Duty on the removal from the Nowgong distillery of foreign spirit and of plain spirit for use in the manufacture of foreign spirit—*(b) *Duty on the removal of country spirit from Nowgong distillery and on its import into Nowgong.*

No. 911-C., dated the 19th April, 1922.—In exercise of the powers conferred by sections 4 and 16 (1) of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to impose with immediate effect:—

- (a) On foreign spirit removed from the licensed distillery in the Cantonment of Nowgong and on plain spirit removed from the said distillery for use in the manufacture of foreign spirit, a duty at the rate of Rs. 21-14 per gallon London proof:

\*[Provided that no duty shall be levied on rectified spirit issued to the Director, Institute of Plant Industry, Indore, Central India, up to a maximum of 100 gallons per annum, the spirit being supplied in such manner and subject to such

<sup>1</sup> Printed *supra*, p. 40.

<sup>2</sup> Added by Notification No. 1117-B., dated the 9th June, 1927. *Gazette of India*, 1927, Pt. II-A, p. 236.

conditions as the Agent to the Governor General in Central India may think fit to specify.]

- (b) On country spirit removed from the said distillery <sup>1</sup>[to any other place within the Cantonment and Civil Lines of Nowgong] other than plain spirit removed for use in the manufacture of foreign spirit, and on country spirit imported into the Cantonment and Civil Lines of Nowgong, a duty at the rate of Rs. 2-8 per gallon London proof:

Provided that the duty shall in each case be increased or reduced in proportion as the strength of the spirit exceeds or is less than the strength of London proof.

2. Notification No. 852-C., dated the 8th April, 1921, is hereby cancelled.

[*Gazette of India*, 1922, Pt. II, p. 561.]

- (a) *Prohibition of import, transport, etc., of opium by post*—(b) *Prohibition relating to charas in Mhow, Neemuch, and Indore Residency Bazzars.*

No. 1784-C., dated the 14th October, 1919.—In exercise of the powers conferred by section 14 of the Central India (Administered Areas) Excise Law, 1917,<sup>2</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to prohibit—

<sup>3</sup>[(1) The import, transport and export of opium and admixtures of opium by means of the post throughout the territories to which the said Law extends, otherwise than by inland post on behalf of Government.

Provided that any person licensed to possess and sell opium and admixtures of opium shall be at liberty to import, export or transport opium and admixtures of opium by inland post under the following conditions, namely:—

- (a) Only the parcel post shall be used and the parcel shall be insured.
- (b) The parcel shall be covered by a permit which shall, in the case of transmission to any area to which the said Law applies, be issued by the local excise authority and in all other cases by the proper authority in the province or other area to which the parcel is addressed.

<sup>1</sup> Inserted by Notification No. F-62-Hco./26 (7), dated the 15th March, 1926. *Gazette of India*, 1926, Pt. II-A, p. 100.

<sup>2</sup> Printed *supra*, p. 40.

<sup>3</sup> Substituted by Notification No. 1544-B., dated the 6th August, 1927. *Gazette of India*, 1927, Pt. II-A, p. 561.



- (c) The parcel shall be accompanied by a declaration showing the names of the consignee and the consignor, the contents of the parcel in detail, the permit number and date covering the transmission and the numbers of the licenses held by the consignor and by the consignee, if any.
- (d) The consignor and the consignee, if he is a licensee, shall show distinctly in their account books the names of the consignee and consignor respectively and the quantities of the drugs transmitted by and to them from time to time by post.]
- (2) the import, export, transport, possession and sale of charas in the Cantonments of Mhow <sup>1</sup>[and Neemuch] and the Indore Residency Bazars.

[*Gazette of India*. 1919, Pt. II, p. 1810.]

*Prohibition of dealings in morphia and cocaine drugs save as permitted by rules.*

No. 553-B., dated the 14th April, 1919.—In exercise of the powers conferred by sections 14 and 42 of the Central India (Administered Areas) Excise Law, 1917,<sup>2</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to prohibit within the areas to which the Law applies the import, export, transport, possession, sale and manufacture of morphia and cocaine drugs save as permitted by the following rules, viz. :—

1. These rules may be cited as the Central India (Administered Areas) Morphia and Cocaine Rules, 1918.

2. In these rules, unless there is something repugnant in the subject or context,—

(a) "The Law" means the Central India (Administered Areas) Excise Law, 1917.

(b) "Approved practitioner" means—

(i) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the registration of medical practitioners for the time being in force in any part of British India, or

(ii) any person registered as a dentist under the Dentist's Act, 1878, and any Act of Parliament amending the same, or

<sup>1</sup> Substituted by Notification No. 2020-C., dated the 29th August, 1922. *Gazette of India*, 1922, Pt. II, p. 1203.

<sup>2</sup> Printed *supra*, p. 40.

- (iii) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentist's Act, 1878, and any Act of Parliament amending the same Acts, or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India, and approved by the local excise authority for the purpose of these rules, or of corresponding rules for the time being in force in any part of British India,
- (iv) any other person engaged in medical or veterinary practice and approved by the Chief Excise Authority for the purpose of these rules or of corresponding rules for the time being in force in any part of British India.
- (c) "Chief Excise Authority" means the Excise Commissioner for Central India and includes any other officer who may be appointed by the Agent to the Governor General in Central India by name or by virtue of his office, to perform generally or in any specified area all or any of the functions of the Chief Excise Authority for the purpose of these rules.
- \* \* \* \* \*
- (d) "Licensed dealer" means a person who has obtained a license under these rules for the manufacture, possession and sale otherwise than on prescription of morphia or of cocaine drugs.
- (e) "Licensed chemist" means a person who has obtained a license under these rules for the manufacture, possession and sale on prescription of morphia or of cocaine drugs.
- (f) "Prescription" means a prescription given by an approved practitioner for the supply of morphia or of cocaine drugs to a patient, which must state the name and address of the patient and must be dated and signed by the practitioner with his full name and address and qualifications.

## II.—MANUFACTURE.

3. A licensed dealer or chemist may, subject to the conditions of his license, manufacture morphia from opium or morphia, and cocaine drugs, from cocaine drugs lawfully possessed by him.

<sup>1</sup>[4. An approved practitioner authorised in this behalf by the local excise authority by an order under rule 22 may, subject to any restric-

<sup>1</sup>Omitted and re-lettered by Notification No. 785-B., dated the 5th May, 1923. *Gazette of India, 1923, Pt. II, p. 789.*

<sup>2</sup>Substituted by Notification No. 785-B., dated the 5th May, 1923. *Gazette of India, 1923, Pt. II, p. 789.*

tions which may be imposed by the general or special order of the Chief Excise Authority, manufacture morphia from opium or morphia, and cocaine drugs from cocaine drugs, lawfully possessed by him under such order.]

### III.—POSSESSION.

5. Any person may possess such quantity of morphia or of cocaine drugs as has been at one time dispensed for his use in accordance with the provisions of <sup>1</sup>[rule 20] or of corresponding rules for the time being in force in any part of British India.

6. An approved practitioner may possess, for his use in his practice but not for sale, morphia or cocaine drugs not exceeding in the aggregate <sup>1</sup>[240] grains of each:

Provided that the local excise authority may, by special order, authorise any such practitioner to possess as aforesaid any larger quantity.

7. A person authorised in this behalf by the local excise authority by an order made under rule 22 may possess such quantity of morphia or of cocaine drugs in such manner as may be specified in such order.

8. A licensed dealer or licensed chemist may possess such quantity of morphia or of cocaine drugs in such manner as may be specified in his license.

9. A person to whom a pass has been granted under these rules for the import, export or transport of morphia or of cocaine drugs may possess such quantity of morphia or of cocaine drugs in such manner as may be specified in his pass.

### IV.—IMPORT, EXPORT AND TRANSPORT.

10. Any person may import, export and transport, such morphia or cocaine drugs as he may lawfully possess under rule 5.

11. An approved practitioner may import, export and transport such morphia or cocaine drugs as he may lawfully possess under rule 6.

12. A person authorised in this behalf by the local excise authority by an order made under rule 22 may import such quantity of morphia or of cocaine drugs in such manner as may be specified in such order, on an indent countersigned by a Chief Medical Officer or Civil Surgeon or Superintendent of the Civil Veterinary Department.

13. A person to whom a pass has been granted under these rules for the import of morphia or of cocaine drugs may import such quantity of morphia or of cocaine drugs in such manner as may be specified in his pass.

14. When a pass has been granted (a) under the rules for the time being in force in any part of British India, (b) by the local excise

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<sup>1</sup> See footnote 2 on p. 375.

authority of an area to which the Law applies, or (c) by the Resident or Political Agent in any Native State to bring morphia or cocaine drugs from any area to which the Law applies into such part, area, or State when such pass has been countersigned by the local excise authority of the area from which the morphia or cocaine drugs is or are to be brought in accordance with these rules, a licensed dealer may, subject to the conditions of his license, export such quantity of morphia or of cocaine drugs in such manner within such period and by such route as may be specified in such pass.

An indent for morphia or cocaine drugs countersigned by a Chief Medical Officer or Civil Surgeon or Agency Surgeon or Superintendent of the Civil Veterinary Department shall, for the purposes of this rule, be deemed to be a pass, and shall not require further countersignature.

15. A person authorised in this behalf by the Chief Excise Authority by a special order made under rule 23 may export such quantity of morphia or of cocaine drugs in such manner as may be specified in such order.

16. <sup>1</sup>[(1)] A person to whom a pass has been granted under these rules for the transport of morphia or of cocaine drugs may transport such quantity of morphia or of cocaine drugs in such manner as may be specified in his pass.

<sup>1</sup>[(2)] An approved practitioner authorized in this behalf by the local excise authority by an order made under rule 22 may, subject to restrictions which may be imposed by the general or special order of the Chief Excise Authority, transport morphia and cocaine drugs lawfully possessed by him under such order.]

17. Every person importing, exporting or transporting morphia or cocaine [drugs]<sup>1</sup> shall comply with such general or special directions as may be given by the Chief Excise Authority.

18. Nothing in these rules shall be deemed to permit—

(1) the import of morphia or of cocaine drugs—

(a) from any part of British India, unless the rules for the time being in force in such part relating to the export of morphia or of cocaine drugs, as the case may be, have been complied with,

(b) from any foreign territory, unless the duty leviable at the place of importation under the Indian Tariff Act, 1894, or any other enactment for the time being in force has been paid, and the pass has been endorsed by the Customs Collector;

<sup>2</sup>[(2)] The import, export or transport of morphia or of cocaine drugs by post otherwise than by inland post on behalf of Government.

<sup>1</sup> Inserted by Notification No. 790-B., dated the 5th May, 1923. *Gazette of India, 1923, Pt. II, p. 789.*

<sup>2</sup> Substituted by Notification No. 1543-B., dated the 6th August, 1927. *Gazette of India, 1927, Pt. II-A, p. 891.*

Provided that any person licensed to possess and sell or otherwise authorised to possess and dispense morphia or cocaine drugs shall be at liberty to import, export or transport such drugs by inland post under the following conditions, namely:—

- (a) Only the parcel post shall be used and the parcel shall be insured.
- (b) The parcel shall be covered by a permit which shall, in the case of transmission to any area to which the law applies, be issued by the local excise authority and in all other cases by the proper authority in the province or other area to which the parcel is addressed.
- (c) The parcel shall be accompanied by a declaration showing the names of the consignee and the consignor, the contents of the parcel in detail, the permit number and date covering the transmission and the numbers of the licenses held by the consignor and by the consignee, if any.
- (d) The consignor and the consignee, if he is a licensee, shall show distinctly in their account books the names of the consignee and consignor, respectively, and the quantities of the drugs transmitted by and to them from time to time by post.]

#### V.—SALE AND DISPENSING.

19. A licensed dealer may, subject to the conditions of his license, sell or supply otherwise than on prescription—

- (a) to a dealer or chemist licensed under these rules or under the rules for the time being in force in any part of British India,
- (b) to an approved practitioner,
- (c) to a person authorised under rule 22 of these rules or under any corresponding rule for the time being in force as aforesaid,

morphia or cocaine drugs not exceeding the quantity which such dealer, chemist, practitioner or person may lawfully possess. He shall maintain a written record of every such sale in such manner as the Chief Excise Authority may direct, and every package or bottle of cocaine drugs sold by him shall be clearly marked with the quantity and percentage of cocaine contained in it.

20. <sup>1</sup>[(1)] A licensed chemist may dispense morphia or cocaine drugs on prescription, subject to the following conditions, namely:—

- (a) He shall dispense morphia or cocaine drugs in such quantity and for the use of such person only as may be specified in the prescription.

<sup>1</sup> Inserted by Notification No. 796-B., dated the 5th May, 1923. Gazette of India, 1923, Pt. II, p. 759.

- (b) He shall in every case enter on the prescription the date of dispensing and shall sign or seal the prescription giving his name and address.
- (c) If the prescription does not bear a superscription by an approved practitioner stating that it is to be repeated, and at what interval of time it is to be repeated, and how many times it is to be repeated, he shall dispense morphia or cocaine drugs once only on such prescription, and shall retain the prescription: provided that he shall first warn the person presenting the prescription that unless it bears such a superscription as aforesaid it will be retained.
- (d) If the prescription bears a superscription as aforesaid, but it appears that morphia or cocaine drugs have already been dispensed on the prescription six times or such number of times as the prescription is required to be repeated, or that the interval specified in the superscription has not elapsed since the prescription was last dispensed, he shall not dispense morphia or cocaine drugs on such prescription unless it is further superscribed in that behalf by an approved practitioner.
- (e) Every package or bottle of cocaine drugs dispensed by him shall be clearly marked with the quantity and percentage of cocaine contained in it.
- (f) Any other conditions that may be contained in his license.

He shall maintain a written record of every such dispensing in such manner as the Chief Excise Authority may direct.

<sup>1</sup>[(2) An approved practitioner authorized in this behalf by the local excise authority by an order made under rule 22 may, subject to restrictions which may be imposed by the general or special order of the Chief Excise Authority, dispense morphia or cocaine drugs lawfully possessed by him under such order.]

#### VI.—APPROVAL, AUTHORISATION, LICENSES AND PASSES.

21. (1) The Chief Excise Authority may approve, for the purposes of rule 2 (b) of these rules, any person engaged in Medical or Veterinary practice.

(2) The local excise authority may in like manner approve any person possessed of the qualifications specified in rule 2 (b) (ii).

22. The local excise authority may, with the sanction of the Chief Excise Authority, by general or special order authorise any approved

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<sup>1</sup> See footnote 1 on p. 378.

practitioner in managing or supervising charge of a hospital or dispensary to '[import, transport, manufacture, possess and dispense] such quantity of morphia or of cocaine drugs in such manner as may be specified in such order.

23. The Chief Excise Authority may by special order authorise any person to export morphia or cocaine drugs.

24. (1) An officer empowered in this behalf by the Chief Excise Authority may grant to any person a dealer's license, permitting him to manufacture, possess and, subject to the provisions of rule 19, to sell morphia or cocaine drugs.

(2) The local excise authority may grant to any person a chemist's license permitting him to manufacture, possess and, subject to the provisions of rule 20, to sell morphia or cocaine drugs: provided that such license shall not authorise such chemists to possess a greater quantity than [eight]<sup>1</sup> ounces of morphia or one ounce of cocaine drugs.

25. The local excise authority may grant to any licensed dealer or licensed chemist or approved practitioner a pass for the import of morphia or of cocaine drugs not exceeding the quantity which such dealer or chemist or practitioner may lawfully possess.

26. (1) When a pass has been granted (a) under the rules for the time being in force in any part of British India, (b) by the local excise authority of an area to which the law applies, or (c) by the Resident or Political Agent in any Native State to any person to bring morphia or cocaine drugs from an area to which the Law applies into such part, area, or State such person shall present such pass to the local excise authority of the area, from which the morphia or cocaine drugs is or are to be brought, who shall enter therein the period for which the pass is to remain in force and the route by which and the person (if any) in whose charge the consignment is to be conveyed and the number and description of the packages, and shall countersign the pass.

(2) When a pass has been granted to any person under these rules for the import of morphia or cocaine drugs from foreign territories, such person shall present such pass to the Customs Collector at the place of import, who shall enter therein the particulars specified in sub-rule (1) and shall countersign the pass.

27. The local excise authority may grant to any licensed dealer or licensed chemist a pass for the transport of morphia or cocaine drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

28. Subject to the provisions of the Law and of these rules, every license or pass under these rules shall be in such form and shall contain

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<sup>1</sup> Substituted by Notification No. 796-B., dated the 5th May, 1923. *Gazette of India*, 1923, Pt. II, p. 796.

such particulars, and shall be granted by such officer, on payment of such fees, for such period, and subject to such conditions, as the Chief Excise Authority may direct.

29. (1) Subject to any directions that the Chief Excise Authority may give in this behalf, the officer who has granted a license to, or has by order approved or authorised any person under these rules, may cancel or suspend such license or order—

- (i) if such person has,
  - (a) failed to pay any duty or fee payable by him,
  - (b) by himself or by any servant or person acting on his behalf, committed any breach of the conditions of such license or order or of these rules,
  - (c) been convicted of any offence under the Law, or under the Law for the time being in force relating to excise revenue, or of any criminal offence;
- (ii) if it is a condition of such license or order that it may be cancelled or suspended at the will of such officer;
- (iii) in any other case, after giving to such person fifteen days' notice,

and shall cancel such license or order within fifteen days on receiving from such person notice that he desires to surrender the same.

(2) When such license or order has been cancelled or suspended as aforesaid, such person shall forthwith make over to the local excise authority all morphia or cocaine drugs in his possession.

#### VII.—DISPOSAL OF MORPHIA AND COCAINE DRUGS AND CONFISCATED ARTICLES.

30. The local excise authority shall cause all morphia and cocaine drugs confiscated under the Law or delivered to him under rule 29 to be examined by the Chemical Examiner or by such other officer as the Chief Excise Authority may direct. If any such morphia or cocaine drugs are certified by such officer to be fit for use, the local excise authority may sell them to any dealer or chemist licensed under these rules or under any rules for the time being in force in any part of British India or to any person authorised by an order under rule 22 or any corresponding rules in force as aforesaid. The local excise authority may require any licensed dealer or chemist to purchase at such price as the local excise authority may direct any quantity of such morphia or cocaine drugs not exceeding such quantity as the local excise authority may determine to be ordinarily saleable by him in two months. If any such morphia or cocaine drugs are certified as aforesaid to be unfit for use, the local excise authority shall cause them to be destroyed.



31. The local excise authority shall dispose of all other things confiscated in connection with any offence relating to morphia or cocaine drugs in such manner as he may think fit.

VIII.—ISSUE OF SUBSIDIARY ORDERS.

32. Subject to the provisions of the Law and of these rules, the Chief Excise Authority may from time to time give such directions as he may think fit for the purpose of carrying out the provisions of the rules.

[*Gazette of India*, 1919, Pt. II, p. 617.]

*Duty on the import of country spirit into Nimach and on its transport to certain villages.*

No. 3449-C., dated the 18th December, 1922.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to direct that the duty payable on country spirit imported into the Cantonment of Neemuch, or transported through the Cantonment to the villages of Achari, Soobi, Deokheri and Bharbaria in the Tonk State, shall be Rs. 2-14 per gallon London proof, subject to increase or decrease in proportion as the strength of the spirit exceeds or is less than the strength of London proof.

2. Notification No. 282-C., dated the 22nd February, 1919, is hereby cancelled.

[*Gazette of India*, 1922, Pt. II, p. 1832.]

*Duty on the import of country spirit into Nowgong.*

No. 911-C., dated the 19th April, 1922.—Printed *supra*, page 372.

*Transport duty on Country Spirit in the Cantonment of Mhow.*

No. 2078-B., dated the 27th September, 1923.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to direct that with effect from 1st October, 1923—

- (1) a transport duty at the following rates shall be levied on country spirit imported by a duly authorised supply contractor into the Cantonment of Mhow and stored in a warehouse established under section 17 when such country spirit is removed from the warehouse to any other place within

the Cantonment, viz., Rs. 4-13 per gallon of spirit 25° under proof and Rs. 2-6-6 per gallon of spirit of 60° under proof;

- (2) the following notification is hereby cancelled, viz., Notification No. F.-53-Exc./26 (3), dated the 15th March, 1926.

[*Gazette of India*, 1928, Pt. II-A, p. 315.]

*Import and transport duties on ganja, bhang and opium in the Cantonment of Mhow.*

No. F.-53-Exc./26 (4), dated the 15th March, 1926.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to direct—

- (1) that import duties on ganja, bhang and opium imported into the Cantonment of Mhow (except ganja, bhang and opium imported for being stored in a warehouse established under section 17 of the said Law), shall be levied at the following rates, namely:—

	Rs.	A.	P.
Ganja per seer . . . . .	5	10	0
Bhang per seer . . . . .	1	0	0
Opium per seer . . . . .	19	0	0

- (2) that transport duties at the said rates shall be levied on ganja, bhang and opium imported and stored in a warehouse established under section 17 when such ganja, bhang or opium is removed from the warehouse to any other place within the Cantonment.

- (3) that the following notifications are hereby cancelled:—

Notification No. 1786-C., dated the 14th October, 1919, in so far as it applies to the Cantonment of Mhow. Notification No. 3076-C., dated the 8th December, 1921, in so far as it applies to the Cantonment of Mhow, Notification No. 1586-G., dated the 16th June, 1922, in so far as it applies to the Cantonment of Mhow.

[*Gazette of India*, 1926, Pt. II-A, p. 99.]

*Import and transport duties on ganja, bhang, and opium in the Cantonment of Neemuch.*

No. F.-53-Exc./26 (5), dated the 15th March, 1926.—In exercise of the powers conferred by section 16 of the Central India (Administered

<sup>1</sup> Printed, regn., p. 49.  
<sup>2</sup> Substituted by Notification No. F.-53-Exc./9, dated the 16th September, 1926. *Gazette of India*, 1926, Pt. II-A, p. 320.

(Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to direct.

- (1) that import duties on ganja, bhang and opium imported into the Cantonment of Neemuch (except ganja, bhang and opium imported for being stored in a warehouse established under section 17 of the said Law), shall be levied at the following rates, namely:—

	Rs. A. P.
Ganja, if imported from a place within the limits of the Gwalior State, per seer . . . . .	8 10 0
Ganja, if imported from any other place, per seer . . . . .	4 0 0
Bhang, if imported from a place within the limits of the Gwalior State, per seer . . . . .	1 0 0
Bhang, if imported from any other place, per seer . . . . .	1 2 0
Opium, per seer . . . . .	12 0 0

- (2) that transport duties at the said rates shall be levied on ganja, bhang and opium imported and stored in a warehouse established under section 17 when such ganja, bhang or opium is removed from the warehouse to any other place within the Cantonment;

- (3) that the following Notifications are hereby cancelled:—

Notification No. 3077-C., dated the 8th December, 1921,  
Notification No. 1586-G., dated the 16th June, 1922, in so far as it applies to the Cantonment of Neemuch.

[*Gazette of India*, 1926, Pt. II-A, p. 100.]

*Import and transport duties on charas, ganja, bhang and opium in  
Nowgong.*

No. 4178-C., dated the 31st August, 1925.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to direct—

- (1) that import duties on charas, ganja, bhang and opium imported into the Cantonment and Civil Lines of Nowgong, (except charas, ganja, bhang and opium imported \* \* \* \* \* for being stored in a warehouse established under

<sup>1</sup> Printed *supra*, p. 40.

<sup>2</sup> Omitted by Notification No. F-58-Exo./26 (6), dated the 15th March, 1926. *Gazette of India*, 1926, Pt. II-A, p. 100.

section 17 of the said Law), shall be levied at the following rates, namely:—

	Ra.	A.	P.
Charas, per seer . . . . .	[24]	0	0
Ganja, per seer . . . . .	[12]	0	0
Bhang, per ten seers, fractions of ten seers being reckoned as ten seers . . . . .		0	4 0
Opium, per seer . . . . .	[34]	0	0

(2) that transport duties at the said rates shall be levied on charas, ganja, bhang and opium imported \* \* \* \*  
and stored in a warehouse established under section 17 when such charas, ganja, bhang or opium is removed from the warehouse to any other place within the Cantonment and Civil Lines of Nowgong;

(3) that the following notifications are hereby cancelled:—

Notification No. 1788-C., dated the 14th October, 1919;  
Notification No. 1499-C., dated the 19th May, 1923; and  
Notification No. 6139-C., dated the 5th September, 1924.

[*Gazette of India*, 1925, Pt. II-A, p. 287.]

*Issue of passes by officers-in-charge of bonded warehouses established under section 17 (a).*

No. 1399-B., dated the 20th August, 1919.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India is pleased to direct that the officer-in-charge of a bonded warehouse established under section 17 of the said Law for the storage of spirit or intoxicating drugs may, subject to the rules in force for the management of the warehouse, grant passes to licensed vendors to transport to their licensed premises the spirit or intoxicating drugs purchased by them at the warehouse in accordance with the said rules.

[*Gazette of India*, 1919, Pt. II, p. 1542.]

*Issue of passes by the officer-in-charge of the distillery supplying Mhow Cantonment.*

No. 1942-C., dated the 5th November, 1919.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>2</sup> the Agent to the Governor General in Central India is

<sup>1</sup> Substituted by Notification No. 1539-C., dated the 26th February, 1920. *Gazette of India*, 1920, Pt. II-A, p. 103.

<sup>2</sup> Substituted by Notification No. 1690-C., dated the 12th June, 1926. *Gazette of India*, 1926, Pt. II-A, p. 230.

<sup>3</sup> Substituted by Notification No. 2325-C., dated the 13th April, 1927. *Gazette of India*, 1927, Pt. II-A, p. 207.

<sup>4</sup> Printed *supra*, p. 40.

pleased to empower the officer-in-charge of the Indore State distillery at Barwaha, subject to the rules made by the Indore Darbar for the management of the distillery and the issue of spirit therefrom, to grant passes, in such form as may from time to time be prescribed by the Indore Darbar and approved by the Agent to the Governor General in Central India in this behalf, for the import into the Cantonment of Mhow of spirit consigned from that distillery to the bonded warehouse established under section 17 (a) of the said Law.

[*Gazette of India*, 1919, Pt. II, p. 1923.]

*Issue of passes by the officer-in-charge of the warehouse supplying Nimach Cantonment and payment of duty on spirit supplied under such passes.*

No. 1765-B.,<sup>1</sup> dated the 26th December, 1918.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>2</sup> and in supersession of the notification of the Central India Agency No. 1207-C., dated the 8th July, 1915, the Agent to the Governor General in Central India is pleased to empower the officer-in-charge of the country spirit warehouse established by the Gwalior Darbar in Nimach City to grant passes for the import of country spirit into Nimach Cantonment and for its transport through the said Cantonment to the villages of the Gwalior or Tonk State served by the warehouse, subject to the following conditions:—

- (a) Passes for the import or transport of such spirit shall be granted only to persons holding licenses for the retail sale of country spirit within the area to which the Central India (Administered Areas) Excise Law, 1917, applies, or in the said villages respectively.
- (b) Such passes shall be granted only in respect of spirit supplied from the country spirit warehouse established in the Nimach City by the Gwalior Darbar, and under and in accordance with the rules prescribed by the Darbar for the management of the said warehouse and for the supply of the spirit therefrom.
- (c) Such passes shall be in such form as may from time to time be prescribed by the Darbar. Every such pass shall be returned by the importer to the officer-in-charge of the warehouse within such time as may be specified in it in that behalf.
- (d) The duty payable in respect of such import or transport shall, before the spirit is removed from the said warehouse, be

<sup>1</sup> As amended by Notification No. 371-B., dated the 26th February, 1920. *Gazette of India*, 1920, Pt. II, p. 402.

<sup>2</sup> Printed *supra*, p. 40.

paid by the licensed vendor desirous of importing or transporting the same to the <sup>1</sup>[Local Excise Authority of Nimach] (in cash or by debit in an account kept by that officer) in the case of spirit to be imported into the Nimach Cantonment or transported to villages in the Tonk State, and to the officer-in-charge of the warehouse in other cases.

- (e) The spirit shall be carried in receptacles sealed by the officer-in-charge of the warehouse, which shall be presented, together with the pass, to the officer-in-charge of the Octroi Post at which the consignment enters the Cantonment, by whom the date and time of entry will be endorsed on the pass, and also, in the case of spirit transported through the Cantonment, to the officer-in-charge of the Octroi Post at which it leaves the Cantonment, by whom the date and time of exit will be endorsed on the pass. In the event of the consignment having been delayed or tampered with in transit, the said officer may detain it, reporting the case immediately for the orders of the Local <sup>1</sup>[Excise Authority].

[Gazette of India, 1919, Pt. II, p. 12.]

*Establishment of bonded warehouses for country spirit and for hemp drugs at Mhow, Nimach and Nowgong and for opium at Nowgong and payment of duty on the removal of spirit and drugs from the same.*

No. 1400-B., dated the 20th August, 1919.—In exercise of the powers conferred by section 17 of the Central India (Administered Areas) Excise Law, 1917,<sup>2</sup> the Agent to the Governor General in Central India is pleased—

- (a) to establish within the limits of the Cantonments of Mhow, Nimach and Nowgong bonded warehouses for the storage of country spirit,
- (b) to establish within the limits of the Cantonments of Mhow and Nimach bonded warehouses for the storage of hemp drugs,
- (c) to establish within the limits of the Cantonment of Nowgong a bonded warehouse for the storage of opium (not being morphia) and of hemp drugs, and
- (d) to direct that, subject to such conditions as may be prescribed by rules made under section 42 of the said Law, the levy of the duty payable under section 16 of the said Law on country spirit or intoxicating drugs in transit to or stored

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<sup>1</sup> Substituted by Notification No. 1129-B., dated the 8th June, 1924. *Gazette of India, 1924, Pt. II-A, p. 206.*

<sup>2</sup> Printed *supra*, p. 40.

in any of the said warehouses shall be postponed until the removal of the spirit or drugs from the warehouse.

[*Gazette of India*, 1919, Pt. II, p. 1542.]

*Establishment of bonded warehouses for opium in Mhow, Neemuch and the Indore Residency Bazars and payment of duty on the removal of opium from the same.*

No. 1043-B., dated the 23rd May, 1922.—In exercise of the powers conferred by section 17 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India is pleased—

- (a) to establish within the limits of the Indore Residency Bazars and of the Cantonments of Mhow and Neemuch bonded warehouses for the storage of opium,
- (b) to direct that, subject to such conditions as may be prescribed by rules made under section 42 of the said Law, the levy of duty payable under section 16 of the said Law on opium in transit to or stored in the said warehouses shall be postponed until the removal of the opium from the said warehouses, and in the case of opium removed from the warehouse established in the Indore Residency Bazars for storage in the bonded warehouse established in any of the Cantonments of Mhow, Neemuch and Nowgong, that it shall be further postponed until its removal from the latter warehouse.

[*Gazette of India*, 1922, Pt. II, p. 723.]

*Warehouse dues on bhang.*

No. 1943-C., dated the 5th November, 1919.—In exercise of the powers conferred by section 18 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India is pleased to fix the following rates at which warehouse dues shall be leviable in respect of bhang stored in warehouses established under section 17 of the said Law, viz.:—

For every day during which the bhang remains at the warehouse after the day on which, in accordance with the rules made under section 42 of the said Law, it should have been removed from the warehouse, 4 annas for each maund or fraction of a maund. Provided that the local excise authority may, for reasons recorded in writing, remit the

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<sup>1</sup> Printed *supra*, p. 40.

said dues in whole or in part, in any case in which he considers their levy at the full rate undesirable.

[*Gazette of India*, 1919, Pt. II, p. 1923.]

*Powers of Excise Officers.*

No. 1401-B., dated the 20th August, 1919.—In pursuance of section 27 (1) of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India is pleased to invest Excise Officers appointed under that section with the following powers of police officers under the said Law, viz.:—

- (1) officers drawing monthly salaries of Rs. 50 or more with the power of a Sub-Inspector in charge of a station,
- (2) officers drawing monthly salaries of less than Rs. 50 but not less than Rs. 20 with the powers of a head constable,
- (3) officers drawing monthly salaries of less than Rs. 20 with the powers of a constable.

[*Gazette of India*, 1919, Pt. II, p. 1542.]

*Special powers of Local Excise Authority, Mhow.*

No. 5180-B., dated the 7th December, 1920.—The Agent to the Governor General in Central India is pleased specially to confer upon the local excise authority at Mhow the powers described in section 40-A (1)<sup>2</sup> of the Central India (Administered Areas) Excise Law, 1917.<sup>1</sup>

[*Gazette of India*, 1920, Pt. II, p. 2062.]

*Rules for the conduct of business at the Nowgong Distillery.*

No. 1728-C.,<sup>3</sup> dated the 2nd October, 1917.—In exercise of the power conferred on him by sections 5 and 41 (7) of the Mhow, Nimach and Nowgong Excise Law, 1898,<sup>4</sup> and of all other powers enabling him in this behalf and in supersession of the notifications of the Central India Agency, Nos. 1707-C. and 1708-C., dated the 18th November, 1913, as subsequently amended, the Agent to the Governor General in Central India is pleased to make the following rules for the conduct of business at the Nowgong distillery:—

**GENERAL.**

1. In these rules, unless there is anything repugnant in the subject or context,—

“Distillery Officer” means the Senior Excise Inspector or Assistant Inspector for the time being on duty at the distillery.

<sup>1</sup> Printed *supra*, p. 40.

<sup>2</sup> Now section 40 (2).

<sup>3</sup> As amended by Notification No. 903-C., dated the 26th April, 1920. *Gazette of India*, 1920, Part II, page 771.

<sup>4</sup> Replaced by the Central India (Administered Areas) Excise Law, 1917. Printed *supra*, p. 40.



"Excise Commissioner" means the Excise Commissioner for Central India, and includes such other officer or officers as may, from time to time, be authorised by the Agent to the Governor General in Central India to exercise all or any of the powers of the Excise Commissioner.

"Licensee" means the person and persons for the time being licensed to work the distillery.

"Receiver" means any vessel into which the worm of a still discharges.

"To gauge" means to determine the quantity of liquid that is or can be contained in or taken from a receptacle.

"To prove" means to determine the alcoholic strength of a liquid.

"Vat" means any fixed vessel intended or used for the storage of spirit.

"Washback" means a vessel in which the fermentation of wash is effected.

2. The distillation, storage, blending and removal of spirit and all other operations at the distillery shall be conducted under the supervision and general control of the distillery officer.

3. No washbacks, receivers or vats shall be used in the distillery except such as shall have been approved by the Excise Commissioner. All such washbacks, receivers and vats shall be set up to the satisfaction of the Excise Commissioner, and so as to admit of their contents being accurately gauged or measured, and shall be fitted with proper dipping rods so adjusted to fixed dipping places that the contents thereof may, at any time, be ascertainable. They shall not be taken into use until they have been gauged in such manner as may be directed, and the gauging has been checked by such officer as may be appointed, by the Excise Commissioner. They shall be fixed at a proper height and fitted with cocks or discharge pipes so that they can be emptied without being moved, and shall be slightly sloped that they may drain dry through the cocks or pipes without difficulty. They shall be connected with the still and with each other by such pipes and pumps fitted in such manner as may be required by the Excise Commissioner. Excepting by means of such pipes and pumps, and to such receivers or vats no spirit shall be removed from the still otherwise than in the presence and with the permission of the distillery officer. Nor shall any spirit be removed, otherwise than in the presence and with the permission of such officer, from any receiver or vat or from any pipe or pump in the distillery.

4. The licensee shall provide and maintain suitable and secure fastenings of a pattern or patterns approved by the Excise Commissioner for the still, receivers and vats and for all pipes, pumps or cocks capable

of being so manipulated as to admit of the extraction of spirit from the still, receivers or vat or from the pipes and pumps connected therewith. To all such fastenings as well as to the doors of all rooms in which spirit is stored, locks provided by Government will be affixed, and the keys thereof kept in the custody of the distillery officer. The licensee may also affix his own locks to all such fastenings and doors provided that he shall always at once remove such locks on the requisition of the distillery officer or of any officer to whom the distillery officer is subordinate.

NOTE—As an exception to the foregoing, the Excise Commissioner may permit any fastening or class of fastening to be secured with seals of a description approved by him instead of with locks.

5. The licensee shall provide the distillery officer and his subordinates with quarters in the distillery compound, to be approved by the Excise Commissioner.

6. The licensee shall take all reasonable precautions to secure the purity of the spirit. The materials to be used shall be of good quality, and no ingredients noxious to health shall be used in distillation. The spirit shall be liable to analysis under the general or special orders of the Excise Commissioner, and the distiller shall be bound to take steps to remedy defects which the Excise Commissioner may consider material. If spirit is found to be of inferior quality and unsuitable for the purpose for which it was made, it may be rejected and destroyed or otherwise dealt with under the orders of the Excise Commissioner. The distillery officer is empowered to stop, pending the orders of the Excise Commissioner, the issue of spirit which he considers bad, and is required to send samples of such spirit for analysis without delay to the '[Local Excise Authority].

No saccharine or other material which might obscure the hydrometer reading shall be added to spirit at the distillery, and the spirit distilled shall not be adulterated by the addition of any substance other than water, or in the case of denatured spirit, the ingredients prescribed in that behalf.

7. No spirit shall be removed from the distillery except—

- (a) country spirit issued to licensed vendors, the issue of which shall be conducted in accordance with the rules in force for the management of bonded warehouses, the distillery officer exercising the powers and duties of an officer-in-charge of a warehouse, as therein defined;
- (b) country spirit issued in bond to such warehouses or other places as may, from time to time, be approved by the Excise Commissioner, such issues being conducted in accordance with rules 23 to 26 of these rules;

(c) denatured spirit prepared and issued in accordance with rules 27 to 40 of these rules; and

(d) plain spirit intended for use in the preparation of foreign spirit, issued in accordance with the rules 44-5 of these rules.

8. No spirit shall be removed from the distillery until it has been gauged and proved by the distillery officer.

The gauging of spirit before removal shall be effected either—

(a) by actual measurement in measures of capacity provided by Government for the purpose; or

(b) by weighment, in such manner as the Excise Commissioner may direct.

The necessary measures of capacity shall, at least once in each month, be compared by the distillery officer with a standard measure which will be specially set apart for this purpose, and the result recorded in a register in a form prescribed by the Excise Commissioner. On no account is a measuring vessel to be locally repaired or adjusted without the previous sanction of the Excise Commissioner, and every vessel so repaired or adjusted under the Excise Commissioner's sanction shall thereafter be tested against the measure set apart for the purpose before it is again taken into use. For the purpose of gauging by weighment the licensee shall provide a platform weighing machine, the correctness of which shall be tested at least once a week by the distillery officer, the arm weights being adjusted as accurately as possible against standard dead weights placed on the platform. If the error be found to exceed 0.5 per cent., the machine shall not be used until it has been adjusted.

9. If the casks or other receptacles in which removal is to be made are to be filled from a vat, it will suffice to prove the strength of the spirit in the vat, once for all, before any of the receptacles are filled. But in that case the officer-in-charge must see that no addition to the contents of the vat is made while the filling of the receptacles is in progress. If the vat is in communication with any other room or part of the distillery, by a pipe through which liquor can be passed into it, such pipe must, during the operation of filling casks, etc., for issue, be securely closed by a valve or stopcock on which an excise lock has been fixed. If these conditions are not complied with, the liquor in every cask or receptacle must separately be proved before it is passed out.

Before spirit is proved for issue, it must be well stirred, so that the true average gravity and temperature may be ascertained.

10. The distillery officer and the licensee, respectively, shall maintain in such manner as may be directed by the Excise Commissioner such registers and accounts relating to the manufacture, fermentation, distil-

lation, storage, reduction, blending and issue of wash and of spirit, to the materials, receptacles, vessels, apparatus, utensils and furniture in use or in stock at the distillery, and to the persons employed at the distillery, as may, from time to time, be prescribed by the Excise Commissioner, and shall submit such copies or extracts therefrom at such intervals and to such officers as he may direct. Such registers, accounts, copies and extracts shall also, at any time during the hours when the distillery is opened for the transaction of business, be available for inspection by the <sup>1</sup>[Local Excise Authority], Nowgong, the Political Agent in Bundelkhand and the Excise Commissioner, and by such other officers and persons as may be specified by the Excise Commissioner in this behalf.

11. An account of stock will be taken at the end of every quarter, and the licensee shall pay to Government at the end of each year of the currency of his license duty at the rate for the time being in force in the Nowgong Cantonment on all spirit which may not be forthcoming, and for which he shall be unable to account to the satisfaction of the Excise Commissioner, in excess of an allowance of 2 per cent. which will be made for wastage. Provided that the penalty leviable under this rule shall not be enforced in respect of spirit that may be shown to the satisfaction of the Excise Commissioner to have been wasted or destroyed through accident or other unavoidable cause. Wastage for the purpose of collection of duty on the deficiency (if any) in store at the distillery shall be calculated annually at the end of each year of the currency of the license. The allowance will be calculated on the balance in hand at the commencement of the year *plus* the quantity produced during the year, exclusive of weak spirit issued for re-distillation. In the calculations required for the purposes of this rule, all spirits received, transferred, or in store, shall be reduced to their equivalent in terms of London proof. Government will not be responsible for the destruction, loss or damage of spirit or of the distillery or of the licensee's apparatus or appliances by fire or theft or by gauging, proof or by any other cause whatever. In case of fire or other accident the officer-in-charge of the distillery shall attend the distillery with the least possible delay.

12. (7) The only holidays that will be observed at the distillery are Sundays, New Year's Day, the Birthday of His Majesty the King-Emperor, Christmas Day, the 26th December, and one day, to be specified by the Cantonment Magistrate, on the occasion of each of the following Indian festivals, *viz.* :—

(a) the Holi, Dussehra and Diwali if the officer-in-charge of the distillery and his assistant are both Hindus,

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<sup>1</sup> Substituted by Notification No. 1131-B, dated the 6th June, 1924. *Gazette of India, 1924, Pt. II-A, p. 206.*

(b) the Id-ul-Zoha, Id-ul-Fitr, and Moharram if the officer-in-charge of the distillery and his assistant are both Musalmans.

(2) The ordinary hours of attendance at the distillery of the officer-in-charge and of his assistant (if any) and the conditions of their attendance at other hours or on holidays shall be as prescribed by the Excise Commissioner, who shall also determine what operations may be conducted in their absence and under what conditions they may be conducted.

13. The guard maintained at the distillery shall ordinarily consist of three peons, who will be required to reside on the premises and one of whom will be constantly on duty at the main gate of the distillery, which (unless work requiring it to remain open is in progress with the permission of the distillery officer) will be locked at night. The other entrances, if any, to the distillery shall ordinarily be kept locked, the keys remaining in the custody of the distillery officer, and shall be opened only under the orders of such officer, by whom a peon shall be posted at each such entrance so long as it remains open.

14. The distillery and the officers employed therein shall be under the direct control of the <sup>1</sup>[Local Excise Authority], Nowgong, subject to the orders of the Excise Commissioner.

15. The distillery shall be open only to persons having business thereat. Ordinarily, except with the permission of the <sup>1</sup>[Local Excise Authority], Nowgong, no person other than the officers mentioned in rule 10 and officers and persons specified under rule 10, the members of the establishment employed at the distillery, the licensee and his agents and servants shall be admitted. A register shall be kept of the names of all persons employed by the licensee, and such persons may, under the orders of the Excise Commissioner, be required to wear, whilst in the distillery, a badge or distinct uniform to be provided by the licensee. The Excise Commissioner may, for reasons recorded in writing, direct that the name of any person be struck off the register, and that he be excluded from the distillery. All persons other than the officers mentioned in rule 10 entering the distillery, shall, in respect of their conduct and proceedings while in the distillery, be under the orders of the officer-in-charge, and shall, unless they are persons who have been specified under rule 10, be liable to search, on quitting the premises, at the discretion of that officer. Smoking, and the use of matches or of naked lights in the still room or storage rooms, are strictly prohibited. If lights other than electric lights are necessary, closed lanterns (to be supplied by the licensee) of a make approved by the Excise Commissioner, shall be used.

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<sup>1</sup> Substituted by Notification No. 1181-B., dated the 26th June, 1924. *Gazette of India*, 1924, Pt. II-A, p. 208.

16. The distillery officer may eject and exclude from the premises any person whom he may find to have committed, or to be about to commit any breach of these rules, or of the provisions of the Excise Law, or who shall be intoxicated, riotous, or disorderly. Any action taken by such officer under this rule shall immediately be reported by him to the <sup>1</sup>[Local Excise Authority].

17. If it comes to the knowledge of the licensee or his agent that any person employed by such licensee in the manufacture, storage, receipt, blending, transport or issue of spirits has committed any breach of the Excise Laws or of the engagements entered into by such licensee, it shall be his duty to report the matter through the distillery officer to the <sup>1</sup>[Local Excise Authority], and to comply with the latter's directions respecting the continued employment of such person.

18. In the event of the licensee or his agent or any person in his employment, with his connivance or privity, committing a breach of these rules, or of the conditions of the license, or attempting to deceive the officer-in-charge in gauging or proving, by altering the capacities of receptacles or otherwise, the Excise Commissioner may impose upon the licensee a fine not exceeding the sum of Rs. 50 for every such breach of such rules or conditions or attempt, or may forfeit the security, if any, deposited by the licensee under his distillery license or under any other license held by him, and may cancel his distillery license and any other excise license held by him.

19. The imposition of a fine or the forfeiture of deposit or the cancellation of the license under the last preceding rule shall not be held to prevent the prosecution of any person for any offence which may have been committed against the provisions of the Excise Law or other law for the time being in force and relating to the excise revenue. If the licensee or his agent shall be convicted on prosecution before a Magistrate of any offence against the Excise Law, or other law for the time being in force and relating to the excise revenue, it shall be lawful for the Excise Commissioner to declare his license forfeited.

20. Any duty or penalty leviable under these rules may be recovered from the licensee in the manner provided by section 17 of the Excise Law, or may be deducted from the sum deposited by him as security under the license held by him for the wholesale supply of country spirit in the Nowgong Cantonment, or from any sum due to him under the conditions of that license.

21. Any sum deducted under these rules from any amount deposited by the licensee as security shall be replaced by the latter within 15 days from the date of receipt of a notice from the Excise Commissioner informing him of such deduction having been made.

<sup>1</sup> Substituted by Notification No. 1181-B., dated the 6th June, 1924. *Gazette of India, 1924, Pt. II-A, p. 206.*

22. On the expiry of his license (unless a fresh license shall have been granted him) or if his license shall be cancelled or suspended, the licensee shall be bound forthwith either (if a license for the distillery is granted to any other person) to transfer to such person at a price fixed by the Excise Commissioner all spirits remaining in the distillery, or to pay the duty on, and to remove, all spirits remaining within the distillery, and, if he shall fail to do so within 10 days of the receipt of written notice from the Excise Commissioner, the cost of any establishment which it may by such failure be rendered necessary to employ at the distillery may be recovered from the defaulter. In the event of continued neglect, the spirits shall be liable to be forfeited at the discretion of the Excise Commissioner.

#### ISSUE OF COUNTRY SPIRIT IN BOND.

23. Spirit issued in bond under rule 7 (b) shall be issued under passes in triplicate in such form as may be prescribed by the Excise Commissioner. One copy shall be retained by the distillery officer, a second sent by him direct to the officer-in-charge of the warehouse of destination or other officer specified by the Excise Commissioner in this behalf, and a third given to the licensee, who will arrange for it to accompany the consignment to its destination (or, if despatched by rail to the railway station from which it is booked) and to be delivered to the officer-in-charge of the warehouse or other officer specified by the Excise Commissioner in this behalf. The said officer will retain this copy and will return the other copy received by him direct to the distillery officer for record after endorsing on it the particulars of the spirit received. This copy will be pasted by the distillery officer to its counterfoil. The pass will protect the consignment only so long as it travels by the most direct route to its destination, and as bulk remains unbroken.

The licensee shall be responsible for the conveyance of the spirit in its entirety to the destination named in the pass and shall be liable to pay duty at the highest rate leviable in the area in which the warehouse or other place of destination is situated or in the Nowgong Cantonment (whichever may be higher) on all spirit despatched from the distillery which he shall fail either to produce at the warehouse or other place of destination within such period as may be prescribed by the Excise Commissioner in this behalf or to account to the satisfaction of the Excise Commissioner for his failure to do so. Provided that such allowance for dryage in transit as may be prescribed by the Excise Commissioner in this behalf shall be deducted from any deficiency that may occur in transit. Provided also that the spirit shall, on arrival at the warehouse or other place of destination, be disposed of in accordance with the law and rules from time to time in force for the conduct of business at the warehouse or for the disposal of the spirit in the case of places other than warehouses.

24. Spirit may be removed in bond only in—

- (i) casks;
- (ii) metal tanks or drums.

Each such receptacle must have the name of the distillery legibly cut, branded or marked in oil paint, and must also, on each occasion on which it is filled for issue, have similarly cut branded, or marked on it—

- (a) its capacity in gallons and tenths of a gallon;
- (b) its actual contents in gallons and tenths of a gallon;
- (c) the number assigned to it.

25. For the purposes of the foregoing rule every cask, tank, or drum, on being returned to the distillery for refilling, must be gauged and numbered, as if it were an entirely new receptacle, in such a manner as may be prescribed by the Excise Commissioner.

26. All receptacles in which spirit is removed under rule 24 shall, before issue, be sealed by the distillery officer in such manner as may be directed by the Excise Commissioner. It is the duty of the licensee to prepare the receptacles, to the distillery officer's satisfaction, for sealing.

#### DENATURING OF SPIRIT AND THE ISSUE FROM THE DISTILLERY OF DENATURED SPIRIT.

27. The denaturants used shall be light caoutchoucine and mineral pyridine bases, and shall conform to such specifications as may be prescribed by the Excise Commissioner in this behalf. They shall be added in the proportion of one part of each of 200 parts of spirit, the strength of which shall not be less than 50 over proof. They shall be supplied by the licensee.

28. The denaturants proposed to be used shall be presented to the distillery officer, accompanied by a guarantee of the mineral source of the pyridine bases, and shall thereafter be kept in his custody in a receptacle capable of being locked to be provided by the licensee.

29. The <sup>1</sup>[Local Excise Authority] shall send samples of 12 ounces of each of the denaturants, separately, for examination to the Chemical Examiner for Customs and Excise, Calcutta, and pending his report they shall be kept separate from any previously approved stock. If the report of the Chemical Examiner is to the effect that the materials comply with the specification, they may be used; otherwise they shall be returned to the licensee. The approved stock shall be kept in fixed upright receptacles provided with taps, marked "Pyridine bases" and

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<sup>1</sup> Substituted by Notification No. 1131-B., dated the 6th June, 1924. *Gazette of India, 1924, Pt. II-A, p. 206.*



“Caoutchoucine,” respectively, and painted black and yellow respectively.

NOTE.—Light caoutchoucine should not contain any appreciable amount of water. Samples should therefore be drawn from the bottom of the containing vessel (where the water, if present, will be found) by means of a siphon tube of which the sorter limb reaches to the bottom of the containing vessel; and the fact that this has been done should be certified on the bottle containing the sample. Care should be taken to collect the sample in a bottle free of moisture.

30. Denaturation shall be effected only in the presence of the <sup>1</sup>[Local Excise Authority].

31. Not less than 200 gallons of spirit shall be treated at one time.

32. Denaturation shall be effected in a fixed vat of not less than 225 gallons capacity, which shall be distinctively painted with green paint and shall be gauged to show the contents at every inch and tenth of an inch of its depth. The vat must be completely emptied before each operation.

33. The spirit to be denatured shall first be gauged and proved by the <sup>1</sup>[Local Excise Authority], who shall be careful to ascertain that no denaturant is already present therein. The smell, taste, and evidence of turbidity on dilution, with water are the simplest available tests. The requisite proportion of denaturants should then be placed in the vat, and the whole should then be thoroughly mixed with a proper stirring implement.

34. The <sup>1</sup>[Local Excise Authority] shall, not less than once in every six months, and without previous notice to the licensee cause a sample of denatured spirit, amounting to about six fluid ounces, to be taken from stock in his presence and sent to the Chemical Examiner for Customs and Excise for examination and report. Should the Chemical Examiner's report be that the spirit has not been satisfactorily denatured, it shall at once either be treated again and a fresh sample sent to the Chemical Examiner, or destroyed. A copy of every report from the Chemical Examiner shall be forwarded to the Excise Commissioner.

35. Every vat used for the denaturation of spirit or for the storage of denatured spirit shall be conspicuously marked “denatured spirit”.

36. The cost of analysing samples submitted to the Chemical Examiner under these rules, as well as freight charges, shall be borne by Government.

37. Any person desiring to remove denatured spirit from the distillery shall present to the distillery officer an application stating—

(a) the name and particulars of the person by whom the spirit will be removed from the distillery;

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<sup>1</sup> Substituted by Notification No. 1181-B., dated the 6th June, 1924. *Gazette of India, 1924, Pt. II-A, p. 206.*

- (b) the name and particulars of the person to whom the spirit will be consigned;
- (c) the destination to which the spirit will be consigned;
- (d) the route by which the spirit will be carried.

38. Every such application must be accompanied by a permit from the Collector, Chief Revenue authority or other authorized officer of the district or place of import, authorizing the import of the spirit and specifying the amount to be imported.

NOTE.—(a) The permit may either be a special permit, or a general permit covering all consignments up to a specified amount issued within a period not exceeding one year.

(b) In the case of applications to remove denatured spirit to places situated in the Central Provinces a license for the sale or possession of denatured spirit in the Central Provinces shall be deemed to be a general permit granted by the Collector of the district in which the licensed premises are situated and covering all spirit (up to the limit, if any, entered in the license) required by the holder of the license during the period of the license. A copy of every such license produced in support of an application for the removal of spirit, certified by the officer-in-charge of the distillery as a "True Copy", shall be filed in the distillery.

39. The distillery officer shall thereupon (unless he sees reason to the contrary, which shall be recorded in writing and immediately reported for the orders of the <sup>1</sup>[Local Excise Authority]) issue a pass in such form as may be prescribed by the Excise Commissioner authorizing the removal of the denatured spirit from the distillery.

The pass shall be in triplicate. One copy shall be delivered to the person removing the spirit, and shall accompany the spirit to its destination, the second shall be forwarded to the officer by whom the permit to import was granted, and the third shall be filed by the distillery officer.

40. Whenever the <sup>1</sup>[Local Excise Authority] attends the distillery for the purpose of supervising the denaturing of spirit, he shall initial the entries in the distillery accounts relating to the transaction and shall also record a certificate "Certified that on the \_\_\_\_\_ gallons of spirit \_\_\_\_\_ over proof, equivalent to \_\_\_\_\_ proof gallons were denatured in my presence".

41. Rules 24 to 26 shall apply to the receptacles used for the issue of denatured spirit. All such receptacles shall be distinctively coloured with green paint.

42. Subject to such special conditions as he may prescribe, the Excise Commissioner may permit the issue to the Eastern States of Central India Export Trust Company, Ltd., Maihar, of spirit specially denatured with 5 per cent. by volume of wood-naphtha conforming to such specifications as may be prescribed by him in this behalf. The denaturing, storage and issue of such spirit shall be conducted generally in accordance with rules 27 to 41. The receptacle containing the approved stock

<sup>1</sup> Substituted by Notification No. 1181-B., dated the 6th June. 1924. *Gazette of India, 1924, Pt. II-A, p. 206.*

of wood-naphtha shall be painted blue and marked "wood-naphtha", and the vats used for storage of the specially denatured spirit shall be painted blue and conspicuously marked "specially denatured spirit". The receptacles used for the issue of specially denatured spirit shall be painted blue. The countersignature by the Political Agent in Baghelkhand of the application required by rule 37 shall be deemed to be the permit required by rule 38.

**FOREIGN SPIRIT.**

43. If so desired by the licensee, a vat or vats shall be set apart in the warehouse for the storage of spirit which it is desired to mature for use in the preparation of foreign liquor.

44. Spirit, whether from vats so set aside or from other vats, intended for use in the manufacture of foreign liquor shall be issued on the licensee's application and on payment of duty at the tariff rate from time to time in force on foreign spirit. No spirit shall be so issued at any strength below 80° under proof if intended for the manufacture of gin or below 20° under proof if intended for the manufacture of other foreign liquor.

45. Spirit so issued shall be removed to premises approved in this behalf by the Excise Commissioner for Central India, and there dealt with in accordance with the rules regarding the compounding of liquor and with such instructions (if any) as may be given by the Excise Commissioner for securing that the spirit compounded is of suitable quality and strength.

[*Gazette of India*, 1917, Pt. II, p. 2163.]

*Preparation of foreign liquor at the Nowgong distillery.*

No. 961-C., dated the 28th April, 1920.—In exercise of the powers conferred by section 42 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India is pleased to make the following Rules regarding the preparation of foreign liquor at the Nowgong distillery:—

1. (a) "Compounding" means the artificial preparation of foreign liquor by the addition, to imported or locally made liquor, of flavouring or colouring matter or both.

(b) "Licensee" means the licensee of the distillery.

2. No compounding or blending of foreign liquor shall be permitted except in premises duly approved in this behalf by the Excise Commissioner for Central India.

3. No sale of foreign liquor will be permitted upon the said premises excepting under a license for the sale by wholesale of foreign liquor.

<sup>1</sup> Printed, *supra*, p. 40.

4. No material shall be used for compounding unless and until it has been approved in this behalf by the Excise Commissioner for Central India, who may if he considers it necessary require that a sample be first analysed at the licensee's expense by the Chemical Examiner for Customs and Excise. Nor shall any material be so used excepting in proportions approved by the Excise Commissioner in that behalf.

5. No spirit shall be compounded, nor shall any liquor compounded under these rules be bottled or sold, at strength lower than the following, *viz.*—

23° under proof in the case of spirit compounded to resemble brandy, whisky or rum,

32° under proof in the case of spirit compounded to resemble gin.

(For this purpose only the *apparent* strength, which will be reduced by obscuration to less than the real strength, will be taken into account.)

6. Every bottle or other receptacle containing liquor compounded for sale under these rules shall bear a label of a pattern approved by the Excise Commissioner for Central India specifying the nature of the liquor contained in it, the name of the distillery (or in the case of imported liquor of the country) of origin, the name of the compounder and the name of the place where it was compounded.

7. For the bottling of foreign liquor compounded under these rules no bottle with a less capacity than that of a reputed pint shall be used, except in the case of such liquor bottled as samples and disposed of as such. Every bottle shall, on a system submitted for approval to, and approved by, the Excise Commissioner, be securely sealed and capsuled in such a manner that the bottle cannot be opened without defacing the label affixed thereto and the cork shall be branded with a mark approved by the Excise Commissioner.

8. Only foreign liquor including rectified or plain spirit issued on payment of duty at the tariff rate and intended for use in the preparation of foreign liquor, and approved materials to be added thereto may be kept on the approved premises. Every vessel containing any such materials shall be clearly marked in English letters with a true description of its contents.

9. The licensee shall enter in a stock-book the quantity, description and strength of all spirit received on the approved premises. He shall also enter separately the quantities and descriptions of colouring and flavouring materials so received. This stock-book shall at all reasonable hours be accessible to Excise officers, and shall be kept for twelve months after it has been taken out of use.

[*Gazette of India*, 1920, Pt. II, p. 771.]

*Rules for the management of bonded warehouses for the storage of country spirit.*

No. 1944-C., dated the 5th November, 1919.—In exercise of the powers conferred by section 42 (2) (h) of the Central India (Administered Areas) Excise Law, 1917<sup>1</sup> and in supersession of Notifications Nos. 747-C., dated the 22nd April, 1908, and 1117-C., and 1119-C., dated the 12th June 1908, the Agent to the Governor-General in Central India is pleased to make the following rules for the management of warehouses for the storage of country spirit established under section 17 of the said Law:—

1. In these rules unless a contrary intention appears from the context—

- (a) "the contractor" means in relation to any warehouse "the person or persons to whom has been assigned the exclusive privilege of wholesale supply of country spirit for consumption in the area in and for which the warehouse is established";
- (b) "Excise Commissioner" means the Excise Commissioner for Central India, and includes any other officer who may be appointed by the Agent to the Governor-General, by name or virtue of his office, to perform generally or in any specified area or for specified purposes or on specified occasions the functions of Excise Commissioner for the purposes of these rules;
- (c) "to gauge" means "to determine the quantity of spirit contained in or taken from any receptacle, or to determine the capacity of a receptacle";
- (d) "the Law" means the Central India (Administered Areas) Excise Law, 1917;
- (e) "to prove" means "to test the strength of spirit by a hydrometer or other suitable instrument";
- (f) "retail vendor" means in relation to any warehouse "any person holding a license for the retail sale of country spirit within the area in and for which the warehouse is established," and also includes any person holding a license for the retail sale of country spirit in any other area and permitted by the authority by whom he is licensed, with the approval of the Excise Commissioner for Central India, to obtain spirit from the warehouse.

2. Spirit may be imported by the contractor for storage in the warehouse under a pass, granted by the officer-in-charge of the distillery from which he is licensed to obtain supplies. Spirit may (subject to the rules in force in the province or territory in which the distillery is

situated) be transported either at high strength or at one of the strengths prescribed for issue. The pass will be in such form as may be prescribed by the Government of the province or territory in which the distillery is situated, and the spirit will be conveyed in such casks or other receptacles as may be prescribed, sealed or otherwise secured in such manner as may be directed, by that Government. The pass will authorise the transport of the spirit through and its export from the province or territory in which the distillery is situated, and will also be the pass required by section 16 of the Law for its import into the area to which the Law applies. One copy of the pass will be sent by the issuing officer direct to the officer-in-charge of the warehouse. One copy will be given to the contractor, and will on the arrival of the spirit be presented, by the contractor or his agent, to the officer-in-charge of the warehouse.

3. The spirit shall be conveyed by the contractor direct to the warehouse. On the arrival of a consignment the officer-in-charge will compare the numbers and marks on the casks or other receptacles with those entered in the pass, and will also note the condition of the seals or other appliances by which the casks or receptacles are secured. He will then proceed to gauge and prove the spirit. The date of arrival of the spirit and the result of the foregoing operations will be noted on both copies of the pass, of which one will be returned direct by post or otherwise to the issuing officer, and the other will be filed in the warehouse. If there be any reason to suppose that any of the casks or receptacles have been tampered with, or that any of their contents have been removed in transit, the circumstances shall be immediately reported to the local excise authority by the officer-in-charge of the warehouse.

4. As soon as the spirit has been proved and gauged, it shall be stored in one of the vats or other receptacles provided for the purpose, and shall be entered in the warehouse registers. The contractor shall thereupon become responsible for the purposes of rule 23 for the quantity and strength of the spirit. Subject to such directions on the subject as are contained in these rules, all proving and gauging operations<sup>1</sup> [and all operations for bottling of spirit at warehouses where bottling of spirit is specially permitted by the Agent to the Governor General in Central India], shall be conducted in such manner as may from time to time be prescribed by the Excise Commissioner in this behalf.

5. The vats or tanks must be of such number, shape, and capacity and made of such materials as the Excise Commissioner shall previously approve, and shall be set up to his satisfaction, and so as to admit of the contents being accurately gauged or measured, and must be fitted to his satisfaction with proper dipping rods so adjusted to fixed dipping points that the contents thereof may at any time be ascertainable. The

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<sup>1</sup>Inserted by Notification No. 8552-O., dated the 27th December 1927. *Gazette of India*, 1928, Pt. II-A, p. 4.

vats or tanks shall be gauged and the result of gauging recorded in such manner as the Excise Commissioner may from time to time direct: and no vessel shall be used for the storage of spirit until it has been gauged and the gauging has been checked by such officer as the Excise Commissioner may appoint in this behalf.

6. The vats or tanks shall be fixed at a proper height, and be fitted with cocks so that they can be emptied without being moved, and shall be placed on stands so sloped as to ensure their draining dry through the cocks. They must be so placed as to minimise the chance of their contents being tampered with, a sufficient space being left round and below them. On each vat or tank its consecutive number and its capacity in gallons shall be legibly marked in oil paint in English. The vats and tanks shall also be fitted and connected with such pipes, pumps and other fittings as the Excise Commissioner may consider necessary to the efficient working of the warehouse.

There must be a sufficient number of vats and tanks to allow ordinarily of the blending vats being completely emptied before each blending operation and of spirit of the various strengths and colours prescribed for issue being separately stored in quantities sufficient for a fortnight's ordinary consumption.

7. The cocks and manholes and other apertures, if any, in the vats or tanks or in the pipes and fittings connected therewith must be of such construction as to admit of their being secured by padlocks provided by Government. The keys of all such locks, and the key of the building, will be retained by the officer-in-charge of the warehouse. The contractor will also be permitted to affix his own locks to all such cocks, manholes and apertures, and also to the door of the building, provided that he shall always on the requisition of the Excise Commissioner, local excise authority, or other officer generally or specially authorised by the local excise authority in this behalf, or of the officer-in-charge of the warehouse, immediately remove his locks so as to permit access to the building and to the vats or tanks. Unless otherwise directed by the Excise Commissioner duplicate keys of the Government locks affixed to the building or buildings used for the storage of spirit shall be kept (in a locked box with a glass front, the key of which shall be retained by the officer-in-charge of the warehouse) in the custody of the warehouse guard if a guard is provided, and otherwise in the custody of the nearest guard, and duplicate keys of the locks, if any, affixed by the contractor to the said buildings shall be kept in a second similar box in the same custody, the key of the box being retained by the contractor's agent. The officer or member of the guard on duty will permit the glass to be broken and the building to be opened in the event only of fire or other serious emergency occurring in the absence of the officer-in-charge or of the contractor's agent as the case may be.

8. Spirit may be stored in the warehouse at any strength. Storage shall ordinarily be in vats or tanks, but storage in casks may be permitted as a special case or in the case of varieties of spirit of which only small quantities require to be stored. Reduction and blending will be conducted in separate vats or tanks which must ordinarily be completely emptied before each transaction. Separate vats or tanks must be set apart for the storage and issue of spirit of each of the strengths and colours prescribed for issue. All transfers, and all storing, reducing, or blending operations shall be conducted in the presence of the officer-in-charge of the warehouse.

<sup>1</sup>[The bottling of spirit will be conducted only in a specified portion of the warehouse set apart for this purpose (hereinafter referred to as the bottling room). Spirit will be issued by the officer-in-charge of the warehouse to the bottling room, as required from time to time by the contractor, from the vats or tanks set apart for the storage of spirit of prescribed strengths for issue. Any spirit left over unbottled in the bottling room should be returned to the issue vat concerned before the issue vat is gauged and closed after the day's transactions. The officer-in-charge of the warehouse will be responsible that no spirit is issued to the bottling room—

(a) until *at least* 24 hours have elapsed since it was reduced  
(*preferably* 48 hours should be allowed to elapse),

or

(b) at strength *lower* than those prescribed for issue in bottles.  
(It should be issued *at* or within 1° *above* those strengths.)

Bottling will be conducted *as far as possible* in the presence of the officer-in-charge of the warehouse, but if he cannot conveniently do so the Excise Commissioner may suitably modify this arrangement. (In any event the issue of liquor in bottles from the bottling room must invariably be done in the presence of the officer-in-charge of the warehouse.) The supervising officer as well as the contractor will be strictly responsible that the bottles are thoroughly clean before they are filled, that the contents of each bottle are not less than the quantity which the bottle is intended to contain nor its strength less than the prescribed strength.

Excepting when business is being conducted in the bottling room in the presence of the warehouse officer, the outer door of the bottling room shall always remain under double locks as provided for in rule 7. of these rules.]

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<sup>1</sup> Added by Notification No. 8552-O., dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 4.



9. Spirit shall be supplied from the warehouse to retail vendors only and shall not be issued excepting after payment of the price as determined by the contractor's license and of duty at the rate in force in the area to which it is to be issued. Provided, in the case of spirit supplied to retail vendors licensed for areas other than that in and for which the warehouse is established, that those rates shall for the purposes of these rules have been approved by the Excise Commissioner and intimation of his approval given to the officer-in-charge of the warehouse.

10. The Excise Commissioner may direct that spirit supplied from any warehouse to the retail vendors of any area specified by him in this behalf shall before leaving the warehouse be coloured by the contractor by the admixture of such material in such proportions as may be prescribed by him. He may further direct that the spirit intended for issue to the retail vendors of any such area shall be coloured in the presence of an officer specified by him in this behalf and separately stored until issue, and may prescribe the intervals at which the said officer shall attend the warehouse for the purpose of supervising the colouring of such spirit.

11. No spirit shall leave the warehouse excepting under a pass, in such form as may from time to time be prescribed by the Excise Commissioner, issued by the officer-in-charge of the warehouse. (This pass will be the pass required by section 16 of the Law for the transport of spirit, and for its export in the case of spirit supplied to retail vendors licensed for areas other than that in and for which the warehouse is established). The pass will be in triplicate, one copy will remain in the book and two will be given to the person in charge of the consignment. Each consignment shall be conveyed, with these two copies of the pass, direct to its destination, and bulk shall not be broken, or the seals or other fastenings of the receptacles removed in transit. The pass will protect the consignment only so long as these conditions are complied with, and only up to the time specified in it in this behalf. One copy of the pass shall, on arrival of the consignment, be at once returned by post or otherwise to the officer-in-charge of the warehouse and the other shall be filed by the retail vendor at his shop and produced by him on the demand of any officer authorized to inspect his shop or accounts. The officer-in-charge of the warehouse may, with the sanction of the local excise authority, refuse to sanction the issue of spirit to any retail vendor, until the passes covering previous consignments to his shop have been returned or the failure to return them satisfactorily explained, or until such fine not exceeding Rs. 5 as may be imposed by the local excise authority has been paid. Pass books will be kept in a place of safety in the local excise authority's office and issued to the officer-in-charge of the warehouse one or two at a time, as required. At warehouses at which duty is leviable at rates differing according to the areas for the supply of which spirit is issued, a separate pass book will be used for

spirit issued at each of such rates. Spirits shall be issued from the warehouse only at one of the following strengths, *vis.*, 25° U. P. and 60° U. P.

<sup>1</sup>[NOTE.—(a) In any particular case or cases the Excise Commissioner may direct that the triplicate passes mentioned above shall be replaced by shop pass books. Every retail vendor concerned shall then provide himself with a copy of the shop pass book in the prescribed form, which he will produce before the officer-in-charge of the warehouse whenever he has to obtain spirit from the warehouse. The officer-in-charge will make necessary entries therein which will serve as a pass authorising the transport of the spirit to which they relate to its destination. Each consignment shall be conveyed, with the shop pass-book, direct to its destination, and bulk shall not be broken, or the seals or other fastenings of the receptacles removed in transit, and the transport shall be effected within the period specified in the pass book in that behalf. Printed copies of the shop pass book will be supplied from the office of the local excise authority on prepayment of such price, if any, as may be fixed in that behalf. The purchaser will be responsible for the safe custody of the pass book which shall be kept at the licensed premises for being shown on demand to inspecting officers, except when it has to be removed from the shop for the purpose of bringing a fresh consignment from the warehouse. If a current pass book is lost a new one will be issued on payment of such penalty not exceeding Rs. 5 (in addition to price) as may be adjudged by the local excise authority provided that the local excise authority may entirely remit the penalty in any case justifying such remission.

(b) In the provisions of these rules and of the rules made in pursuance of them the term 'pass' shall be understood to include 'shop pass book' and such provisions shall be read, *mutatis mutandis*, as applying to shop pass books in all cases where the use of the latter is prescribed.]

12: No spirit <sup>1</sup>[other than spirit bottled under rule 8 of these rules] shall be removed from the warehouse until it has been gauged and proved by the officer-in-charge.

13. The gauging of spirit for issue shall be effected by actual measurement in standard vessels provided for the purpose, and no other method of gauging spirit for issue shall under any circumstances be adopted without the previous sanction of the Excise Commissioner.

The standard vessels shall at least once a quarter be tested by the officer-in-charge against a measure to be specially set apart for this purpose, and the result recorded in a book to be kept for this purpose.

On no account is a measuring vessel to be locally repaired or adjusted without the previous sanction of the Excise Commissioner and every vessel so repaired or adjusted under the Excise Commissioner's sanction shall thereafter be tested against the measure set apart for the purpose before it is again taken into use.

14. Before spirit is proved for issue, it must be well stirred, so that the true average temperature and gravity may be obtained. If the casks or other receptacles in which removal is to be made are to be filled from a larger cask, vat, or tank, it will suffice to prove the spirit in such larger cask, vat, or tank once for all before any of the smaller receptacles are filled. But in this case the officer-in-charge must be careful to see that no addition is made to the contents of the larger cask, vat or tank while the filling of the smaller ones is in progress. If such larger task,

<sup>1</sup> Inserted by Notification No. 5502-C., dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 4.

tank or vat is ordinarily in communication with the outer air or with any other receptacle by a pipe or by other means by which fluid can be passed into it, such pipe or other means of communication must, during the filling of vessels for issue, be securely closed by a cock or valve secured by a lock affixed by the officer-in-charge of the warehouse. If these conditions are not complied with, the spirit in each receptacle must be separately proved before issue. Provided that if spirit is issued in bottles it will suffice (in the absence of cause to suspect irregular practices) to prove the contents of one bottle taken at random out of every dozen. It will suffice for the proving officer to satisfy himself that the spirit is within 1° under or above the strength prescribed for issue, and when the spirit is within 1° of such strength no further reduction or blending in order to bring it to the exact strength will be required or permitted.

15. Spirit shall not be issued in quantities of less than one gallon at a time of each strength or colour <sup>1</sup>[and spirit bottled at the warehouse under these rules will be issued only in multiples of a gallon of each strength]. The issue of spirit [other than bottled spirit]<sup>1</sup> is permitted in the following:—

- (1) Imperial quart or pint bottles.
- (2) Reputed quart or pint bottles six or twelve of which, as the case may be, shall be held to be equal to one gallon.
- (3) Metal drums or tanks.
- (4) Casks or kegs.

The receptacles in which spirit is to be issued shall be provided by the purchaser. No such receptacle other than a bottle shall be taken into use until it has been gauged by the officer-in-charge of the warehouse and marked at the cost of the owner with the following particulars:—

- (a) Name of warehouse.
- (b) Number of receptacle.
- (c) Capacity of receptacle.

A register of receptacles for issue shall be maintained by the officer-in-charge of the warehouse, and each such receptacle in use shall be gauged by him at least once in twelve months, the date of gauging and any alteration in the capacity of the receptacle being entered by him in the register. There is no objection to a registered receptacle being used (with the owner's permission) for the transport of spirit to the premises of another retail vendor. The officer-in-charge of the warehouse may refuse to permit the issue of spirit in any receptacle which

<sup>1</sup> Inserted by Notification No. 8552-O., dated the 27th December, 1937. *Gazette of India*, 1938, Pt. II-A, p. 4.

is in his opinion insecure or otherwise unfit (for reasons to be recorded by him) for the transport of spirit.

16. All receptacles <sup>1</sup>[other than bottles filled and sealed at the warehouse under these rules] in which spirit is removed from the warehouse shall before removal be sealed by the officer-in-charge. It is the duty of the contractor to prepare the receptacles, to the satisfaction of the warehouse officer, for sealing. The seal used should be the officer's private seal, which should be of sufficiently intricate design to render its reproduction difficult.

17. The retail vendor desiring to obtain spirit from the warehouse shall, personally or by his agent, tender to such officer as may be specified by the Agent to the Governor-General in that behalf an application in duplicate in such form as may be prescribed by the Excise Commissioner, together with the price of, and duty on, the spirit that he desires to obtain.

<sup>1</sup>[Applications for payment of duty and receipts for duty on spirit bottled and sealed at the warehouse under these rules will also be in the same form (i.e., for so many gallons) and the payments will be at the ordinary rate (i.e., they will *not* include the payment on account of bottles, bottling and sealing charges). The retail vendor will endorse on the reverse of the receipt how many bottles of each kind of spirit he requires and of what capacities, and will send with it, for payment to the contractor's agent, the sum due on account of cost of bottles, bottling and sealing at such rates as the Excise Commissioner may direct on the quantity supplied. The contractor's agent will be responsible for realising this amount *before the bottles are issued*, and no claims for sums not so realised will be entertained by the Excise Authorities.]

The <sup>1</sup>[officer to whom the application is tendered] after ascertaining that the amount tendered is correct, shall cause the figures in the endorsement in both copies of the application to be filled up, and shall sign both copies of the application in token of the receipt of the amount tendered, and shall stamp both copies with his official seal. He shall return one copy to the applicant, retaining the second copy for record. This latter copy shall be defaced by impressing on it with a stamp the words "Office Copy". and shall then be filed in a guard book.

18. The purchaser shall then tender the receipted copy of the application to the contractor's agent, who shall initial the application, and hand it over to the moharrir for the preparation of the necessary pass. The moharrir, after checking the particulars and after, in the case of warehouses where distinctive colours have been prescribed for spirit issued to retail vendors of different areas, noting on it the colour of the spirit

<sup>1</sup> Inserted by Notification No. 8552-C, dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 4.

to be issued, shall prepare the pass, leaving blank the spaces for the entry of the period of validity and for the seal of the officer issuing the pass, and shall record on the reverse of the receipted application the quantity of spirit to be issued and the number and date of the pass prepared, and shall sign the entry. He shall also make the necessary entry in the warehouse registers.

19. As soon as all applications for the issue of spirit have been dealt with as provided in the preceding rule, the officer-in-charge of the warehouse shall compare the passes with the receipted applications for payment of duty and with the entries in the warehouse registers, and, after filling in the duration of the pass, shall sign all three copies of the same. He shall then remove the parts of each pass that are to accompany the consignment, and retain the same until the spirit is ready for removal.

20. The officer-in-charge shall then proceed, with the contractor's agent, to prove, gauge and issue the spirit, to colour such spirit, if any, as requires to be coloured at the time of issue, and to seal the receptacles in which spirit is to be removed, affixing a distinct impression of his seal to one of the two copies of the pass that are to accompany each consignment. He shall then make over to the person in charge of each consignment the copies of the pass that are to accompany it, and the spirit shall thereupon be removed from the warehouse.

21. In cases where spirit is supplied to retail vendors licensed for areas other than that in and for which the warehouse is established, each consignment of spirit issued to retail vendors so licensed shall, if the Excise Commissioner so directs, be accompanied to the boundary of the area to which the Law applies by a peon, who shall retain the two copies of the pass until the spirit has crossed the boundary, and shall then make them over to the person in charge of the consignment, noting on them the hour at which the consignment crossed the boundary.

22. The officer-in-charge of the warehouse and the contractor respectively, shall maintain, in such manner as may be directed by the Excise Commissioner, such registers and accounts relating to the storage, reduction, blending <sup>1</sup>[bottling] and issue of spirit, to the receptacles, vessels, apparatus, utensils and furniture in use at the warehouse, and to the persons employed at the warehouse, as may from time to time be prescribed by the Excise Commissioner and shall submit such copies or extracts therefrom at such intervals and to such officers as may be prescribed by him. Such registers, accounts, copies and extracts shall also, at any time during the hours when the warehouse is open for the transaction of business, be available for the inspection of the local excise

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<sup>1</sup> Inserted by Notification No. 8552-C., dated the 27th December, 1927, *Gazette of India*, 1928, Pt. II-A, p. 4.

authority, of the Excise Commissioner, and of such other officers or persons as may be specified by the Excise Commissioner.

23. An account of stock will be taken at such intervals, not being greater than three months, as the Excise Commissioner may from time to time prescribe, and in such manner as he may direct, and the contractor shall pay to the administration at the end of each year of the contract duty at the highest rate for the time being in force in the area for which the warehouse is established on all spirit which may not be forthcoming and for which he shall be unable to account to the satisfaction of the Excise Commissioner, in excess of an allowance of  $1\frac{1}{2}$  per cent. which will be made for wastage. Wastage for the purpose of collection of duty on the excess as aforesaid shall be calculated annually at the end of each year of the currency of the contract. Provided that if it shall be proved to the satisfaction of the Excise Commissioner that the whole or any portion of such deficiency in excess of  $1\frac{1}{2}$  per cent. has been caused by accident or other unavoidable cause, the payment of duty on the deficiency or on the portion of it caused by such accident or other unavoidable cause shall not be required. The allowance of  $1\frac{1}{2}$  per cent. will be calculated on the balance in hand on the date of the previous stock taking, *plus* the quantity since received.

In warehouses where coloured spirit is stored for issue on payment of a rate of duty lower than that payable in respect of uncoloured spirit the accounts of stock of uncoloured and of coloured spirit shall be taken separately. In such case the allowance of  $1\frac{1}{2}$  per cent. will be calculated in the case of uncoloured spirit, on the balance in hand at the commencement of the year *plus* the quantity since received less the quantity transferred to coloured stock. In the case of coloured spirit it shall be calculated on the balance in hand *plus* the quantity transferred from uncoloured stock. If the total wastage on uncoloured stock exceeds the allowance of  $1\frac{1}{2}$  per cent. calculated as above, the contractor shall be liable to pay duty on the excess at the highest rate leviable on spirit issued from the warehouse, notwithstanding that the wastage of coloured stock may be less than the allowance of  $1\frac{1}{2}$  per cent. But if the wastage on coloured stock exceeds and that on uncoloured stock is less than the allowance of  $1\frac{1}{2}$  per cent. the contractor shall be liable to pay duty, at the highest rate leviable on *coloured* spirit issued from the warehouse only on the net excess, *i.e.*, on the number of gallons by which the total wastage of coloured and uncoloured spirit exceeds the total allowance of  $1\frac{1}{2}$  per cent. on the quantity in hand at the beginning of the year *plus* the quantity since received.

In the calculations required for the purposes of this rule, all spirit received, transferred or in store shall be reduced to its equivalent in terms of London Proof.

The allowance of  $1\frac{1}{2}$  per cent. mentioned in this rule may, under the orders of the Excise Commissioner, be increased to not more than 3 per

cent. in the case of any warehouse at which he considers that the allowance of  $1\frac{1}{2}$  per cent. would, owing to special circumstances, be insufficient.

<sup>1</sup>[Apart from the above, at least once a week, and on the last day of each month, the stock in the bottling room shall be checked by the officer-in-charge of the warehouse and the result reported to the local excise authority. The conductor will be held strictly liable for duty on—

- (i) all wastage of bulk spirit in excess of a suitable allowance for wastage prescribed by the Excise Commissioner,
- (ii) all deficiencies of spirit actually bottled which are not covered by a certificate of the officer-in-charge of the warehouse of accidental breakage of bottles or of damage to the bottling machinery (if any) and consequent loss of spirit having occurred in his presence or been proved to the satisfaction of the local excise authority.]

Government will not be responsible for the destruction, loss or damage of spirit by fire or theft or by gauging, proof, or by any other cause whatever. In case of fire or other accident the officer-in-charge of the warehouse shall attend the warehouse with the least possible delay.

24. The guard maintained at the warehouse shall ordinarily consist of at least two peons who will be required to reside on the premises and one of whom will be on duty at the door of the warehouse whenever the warehouse is open for the transaction of business. The strength of the guard may be increased by the Agent to the Governor-General at the request of the contractor on payment by the latter of the extra expenditure involved. Or the guard may be dispensed with if the situation of the warehouse is such as in the opinion of the Agent to the Governor-General to render the maintenance of a special guard unnecessary.

25. The hours of attendance of the officer-in-charge of the warehouse shall be prescribed from time to time by the Excise Commissioner. The convenience of the contractor will in this matter be consulted as far as possible. No operation shall, except under special sanction, be permitted after 6 P.M. Transactions will, as far possible, be conducted during fixed hours duly notified.

The holidays to be allowed, exclusive of Sundays, are only those notified under the Negotiable Instruments Act, Sundays, New Year's Day, Good Friday, the King's Birthday and Christmas Day are alone to be treated as close holidays. On other days the warehouse should be opened for at least two hours between 8 and 10 A.M. for the transaction of urgent business.

<sup>1</sup> Inserted by Notification No. 8552-C., dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 2.

26. The warehouse and the officers employed therein shall be under the direct control of the local excise authority subject to the supervision of the Excise Commissioner and to the orders of the Agent to the Governor-General.

27. The warehouse shall be open only for the entrance and exit of persons having business thereat. Ordinarily, excepting with the permission of the local excise authority, Excise Commissioner, or Agent to the Governor-General, no person other than officers and persons specified by the Excise Commissioner under rule 22, the members of the establishment employed at the warehouse, the contractor and his agents and servants, and retail vendors (or the agents or servants of retail vendors) who have come to purchase spirit shall be admitted. A register shall be kept of the names of all persons employed by the contractor, and such persons may, under the orders of the Excise Commissioner, be required to wear, whilst in the warehouse, a badge or distinctive uniform to be provided by the contractor. The local excise authority or the Excise Commissioner may, for reasons recorded in writing, direct that the name of any person be struck off the register and that he be excluded from the warehouse.

All persons, other than the local excise authority, the Excise Commissioner, and the Agent to the Governor-General, entering a warehouse shall in respect of their conduct and proceedings while in the warehouse, be under the orders of the officer-in-charge, and shall, unless they are persons who have been specified by the Excise Commissioner under rule 22, be liable to search, on quitting the premises, at the discretion of that officer. Smoking and the use of matches or of naked lights in the warehouse are strictly prohibited. If lights are necessary, closed lanterns (to be supplied by the contractor) of a make approved by the Excise Commissioner shall be used.

28. The officer-in-charge may eject and exclude from the premises any person whom he may find to have committed or to be about to commit any breach of these rules or of the provisions of the Law, or who shall be intoxicated, riotous, or disorderly. Any action taken by such officer under this rule shall immediately be reported by him to the local excise authority.

29. If it comes to the knowledge of a contractor or his agent that any person employed by such contractor in the storage, receipt, blending<sup>1</sup> [bottling] or issue of spirit, has committed any breach of the Law or of any other law in force whether in Central India or elsewhere, for the protection of the excise or opium revenue, or of the engagements entered into by such contractor, it shall be his duty to report the matter through the officer-in-charge of the warehouse to the local excise author-

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<sup>1</sup> Inserted by Notification No. 8582-C., dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 4.



ity and to comply with the directions of that authority respecting the continued employment of such person.

30. In case of any breach of these rules or of the conditions of the license or in case of any attempt, by altering the capacities of receptacles or otherwise, to deceive the officer-in-charge in gauging or proving, either by a contractor or his agent, or, with his connivance and privity, by any person in his employment it shall be competent to the Excise Commissioner to impose upon him a fine not exceeding the sum of Rs. 50 for every such breach of such rules or conditions or, at the option of the Excise Commissioner, to declare the money deposited by the contractor forfeited, and to cancel the license.

31. The imposition of a fine or the forfeiture of deposit or the cancellation of the license under the last preceding rule shall not be held to prevent the prosecution of any person for any offence which may have been committed against the provisions of the Law, or other law for the time being in force relating to the excise revenue.

32. If a contractor or his agent shall be convicted on prosecution before a Magistrate of any offence against the Law, or other law for the time being in force and relating to the excise revenue, it shall be lawful for the Excise Commissioner to declare his license forfeited.

33. All sums payable to Government by a contractor and all fines imposed under rule 30 may be deducted from the amount of his deposit or from any sum due to him by Government, or realised by sale of the securities deposited by him, or may be recovered by attachment and sale of his property under section 19 of the Law.

34. Any sum deducted under the powers herein contained from the amount deposited by a contractor as a security for his due performance of his engagements shall be replaced by the latter within fifteen days from the date of receipt of a notice from the Excise Commissioner informing him of such deduction having been made.

35. On the expiry of his license (unless a fresh license shall have been granted him for the next official year or unless his contract contains provisions to the contrary) or if his license shall be cancelled or suspended, every contractor shall be bound forthwith to pay the duty on, and to remove, all spirits remaining within the warehouse; and, if he shall fail to do so within ten days of the receipt of written notice from the local excise authority, the cost of any establishment which it may be necessary to employ at the warehouse may be recovered from the defaulter. In the event of continued neglect, the spirit shall be liable to be forfeited at the discretion of the Excise Commissioner.

36. Except as otherwise provided, all orders passed and proceedings taken under these rules by officers of the Excise Department shall be subject to appeal to their respective immediate superiors within two

months. The decision of the Agent to the Governor-General on any such appeal shall be final.

37. Contractors shall be bound by all additional general rules for the management of warehouses, or for the issue of spirit therefrom, which may hereafter be prescribed under the Law or under any law which may hereafter be enacted, and by all special orders issued by the Agent to the Governor-General with regard to individual warehouses, and shall cause all persons employed by them in the issue, etc., of spirit to obey all such rules.

[*Gazette of India*, 1919, Pt. II, p. 1923.]

*Officers appointed to receive price of and duty on country spirit removed from warehouses.*

No. 1045-C., dated the 5th November, 1919.—For the purposes of rule 17 of the rules<sup>1</sup> for the management of bonded warehouses for the storage of country spirit made by him under section 42 of the Central India (Administered Areas) Excise Law, 1917<sup>2</sup>, and in exercise of the powers conferred upon him by that section the Agent to the Governor-General in Central India is pleased to direct that—

1. The officer-in-charge of the Military Treasure Chest at Mhow shall be the officer to receive applications for the payment of price of and duty on spirit removed from the warehouse established in the Cantonment of Mhow;
2. The <sup>3</sup>[Local Excise Authority] of Nowgong, shall be the officer to receive applications for the payment of price of and duty on spirit removed from the warehouse established in the Cantonment of Nowgong if removed—
  - (i) to shops situated within the Cantonment, or
  - (ii) in quantities the duty on which exceeds Rs. 50 in the case of any one consignment to shops in Native States served by the warehouse;
3. The officer-in-charge of the Nowgong warehouse shall be the officer to receive applications for the payment of price of and duty on spirit removed from the warehouse to shops in Native States served by the warehouse in quantities the duty on which does not exceed Rs. 50 in the case of any one consignment.
4. The officer-in-charge of the Nowgong warehouse shall at once enter in a register in the annexed form every sum received by him under rule 3, and on every day on which the Treasury is open shall remit thereto, and obtain a receipt

<sup>1</sup> Printed, *supra*, p. 402.

<sup>2</sup> Printed, *supra*, p. 40.

<sup>3</sup> Substituted by Notification No. 1181-B., dated the 6th June, 1924. *Gazette of India*, 1924, Pt. II-A, p. 206.

for, all sums so received during the day up to the latest hour at which the Treasury will accept remittances, and similarly shall remit to the Treasury on the following day or on the next working day as the case may be, all sums so received after that hour.

5. When a remittance is made to the Treasury in accordance with rule 4, a line in red ink will be ruled across the register, and the total amount remitted entered in columns 4—8. On the same line will be entered the name of the peon by whose hand the remittance is made, and his signature or thumb impression. The number and date of the Treasury Receipt will subsequently be entered on the same line in columns 9-10 and the Treasury receipt filed in a guard book.
6. The officer-in-charge of the Nowgong warehouse, unless he is in the pensionable service of Government, will be required to give Rs. 500 security for the safety of sums so received by him.
7. Entries in register No. IV of the Nowgong distillery relating to the issue of spirit the duty on which is received by the warehouse officer will be distinguished by the entry of the letter W in column 3 over the number of the receipted application.

*Register of payments received by the warehouse officer on account of price of and duty on spirit.*

Date of receipt.	Serial number allotted to application for payment.	Name of shop to which spirit is to be issued.	AMOUNT RECEIVED.			NUMBER AND DATE OF CORRESPONDING PASS.		NUMBER AND DATE OF TREASURY RECEIPT.		REMARKS.
			Price of spirit.	Duty on spirit.	Total.	Number.	Date.	Number.	Date.	
1	2	3	4	5	6	7	8	9	10	11

[Gazette of India, 1919, Pt. II, p. 1928.]

*Rules for the management of bonded warehouses for the storage of hemp drugs.*

No. 1946-C.,<sup>1</sup> dated the 5th November, 1919.—In exercise of the powers conferred by section 42 of the Central India (Administered Areas) Exercise

<sup>1</sup> As amended by Notification No. 1968-C., dated the 7th June, 1920, Gazette of India, 1920, Pt. II, p. 200.

Law, 1917<sup>1</sup>, the Agent to Governor-General in Central India is pleased to make the following rules for the regulation of the matters therein mentioned in areas in and for which bonded warehouses for the storage of hemp drugs have been established under section 17 of the said Law.

#### RULES.

1. The passes, required by section 16 of the said Law, for the import of intoxicating hemp drugs shall be in quadruplicate in such form as may be prescribed by the Excise Commissioner for Central India in this behalf, and shall be granted only on the application of persons holding a license from the local excise authority for the sale of the drug to be imported, or of the authorized agents of such persons.

2. The person desirous of importing such drugs shall apply in writing to the local excise authority for the issue of a pass. The application, which may be sent by post, shall contain the following particulars:—

- (1) Name and address of applicant.
- (2) Quantity and description of drugs to be imported.
- (3) Place whence drugs are to be imported.
- (4) Person who will be in charge of the consignment.
- (5) Whether pass to be sent to applicant by post or delivered to him at the office of the local excise authority.

The local excise authority shall, unless he sees reason to the contrary, prepare a pass, and forward three parts thereof for the countersignature of the Political Agent, retaining the counterfoil in his office. One part shall, after countersignature, be returned to the applicant through the local excise authority, or sent to him by the Political Agent by registered post if he so desires, the second shall be sent by the Political Agent to the officer-in-charge of the warehouse or district from which the drug is to be exported, the third shall be retained in the office of the Political Agent. The pass shall specify the route to be followed by the consignment, which, in the absence of special reasons to the contrary, shall be required to be despatched by railway to its destination.

3. The importer or his agent shall present his copy of the pass to the officer-in-charge of the warehouse or district from which the drug is to be exported, who will return it to the person presenting the same, after endorsing on it the particulars of the drugs to be exported. The second copy of the pass received by the same officer will be retained by him and

dealt with in accordance with the law and rules in force in the Province or State from which the drug is exported.

4. The importer or his agent, after making his purchase shall have the drugs securely packed and sealed. If sent by rail he shall have them consigned direct to the local excise authority, and shall forthwith send his copy of the pass, together with the Railway Receipt, by post under registered cover, to the local excise authority, who shall cause the consignment on receipt to be conveyed, together with the pass, in charge of some responsible officer, ordinarily the warehouse officer, to the bonded warehouse for the storage of intoxicating drugs established under section 17 of the law, to be subsequently dealt with under the rules provided in that behalf. The cost of conveying the consignment from the railway to the bonded warehouse, and all risks incidental to such transport, shall be borne by the importer.

5. In cases where the drugs are not despatched by rail, the person named in the pass shall cause the drugs to be conveyed direct to the bonded warehouse by the route prescribed, and there produced, together with his copy of the pass, before the officer-in-charge, who shall deal with the drugs in accordance with the rules prescribed in that behalf.

6. Ganja and charas may either be deposited in bond in the said warehouse, or removed at once on payment of duty. Provided that the whole of the ganja or charas imported under a single pass must either be removed at once or deposited in the warehouse in its entirety.

7. Unless its storage in the warehouse is specially authorised by the local excise authority bhang must be removed at once; the weight of the consignment having first been checked and the duty leviable thereon having been paid as required by the provisions of these rules, provided that bhang may, if the Treasury be not open at the time when the weight of the consignment has been checked in accordance with the following rules, be retained in the warehouse until the next day on which the Treasury is open. The owner of bhang not removed as required by this rule shall become liable in respect thereof to the payment of warehouse dues thereon at the rate fixed in that behalf under section 18 (1) of the law, and the bhang shall, after one week's notice to remove it has been given to its owner, be disposed of in such manner as the Agent to the Governor-General may direct.

8. On the arrival of the consignment at the warehouse the officer-in-charge shall, in the presence of the importer or his agent, and before allowing the drugs to be stored or removed, note the condition of the seals on the packages. He shall also verify the weight of the consignment in accordance with the following rules, and note the condition in which the drugs are received, whether dry or damp, sound or in process of deterioration or decay. The latter particulars shall, unless

the drugs are to be removed at once, be entered in the <sup>1</sup>[Stock Account] hereinafter prescribed. Provided that, if the importer fail to attend the warehouse, personally or by duly authorized agent, during business hours on the day on which the consignment arrives, the proceedings required by this and by the following rules may be taken, in his absence, by the officer-in-charge of the warehouse.

9. Each package of drugs shall, on receipt, be weighed separately in its original packing. From the gross weight so ascertained of each package an allowance of two seers per maund (fractions of a seer being neglected) shall be deducted and set off for packing materials, etc., and the weight of the package thus reduced shall, unless the package be opened in accordance with the provisions of rules 11-12, be taken as the true weight for the purposes of these rules of the drugs contained therein.

10. If the total gross weight of the consignment is less than that entered by the officer-in-charge of the warehouse or district of export in the pass under which the drugs have been imported, the circumstances shall be reported to the local excise authority, who, if the deficiency is material, shall cause inquiry to be made and report the result for the orders of the Political Agent. The Political Agent may thereupon direct that the weight entered in the pass, after deducting the allowance for packing materials mentioned in rule 9, shall be deemed to be the true weight of the consignment, and that the owner shall, before the removal of any portion of the consignment is permitted, pay, in addition to the duty on the weight of the packages to be removed, the duty on the difference between the weight of the consignment as thus determined and the total weight of the drug contained therein as ascertained under rules 9, 11 or 12.

11. In the case of drugs imported from warehouses established under the law in force in British India, or maintained by Native States approved in this behalf by the Excise Commissioner for Central India, and issued from such warehouses in sealed receptacles of standard weight, the weight of such receptacles and of their contents being recorded on the receptacles and in the accompanying passes, the packages (if any) containing such receptacles shall be opened on arrival at the warehouse, and the receptacles weighed with their contents by the officer-in-charge of the warehouse. If the gross weight of a receptacle and its contents as thus ascertained agrees with that recorded on the receptacle and in the accompanying pass, the weight of its contents as so recorded shall, provided that the seals on the receptacle are intact, be taken as the true weight for the purposes of these rules of the drug contained therein. If

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<sup>1</sup> Substituted by Notification No. 2240-G, dated the 8th May 1929. *Gazette of India*, 1929, Pt. II-A, p. 206.

the gross weight of any receptacle and its contents as ascertained by weighment differs from that recorded on the receptacle and in the accompanying pass, or if the seals are broken or injured, the receptacle shall be opened and the weight of its contents ascertained by actual weighment by the officer-in-charge of the warehouse.

12. Any importer of charas desirous of doing so may, at the time of import, require that all or any of the packages of charas imported by him be opened in the presence of the officer-in-charge of the warehouse, and their contents re-packed in smaller packages containing not less than one seer each. In such case the weight of the drug so re-packed in each package shall be ascertained by actual weighment by the officer-in-charge of the warehouse.

13. After examining in the manner prescribed by rules 9—12 a consignment of drugs received at the warehouse, the officer-in-charge shall return the pass to the local excise authority, after endorsing thereon the results of his examination.

14. The local excise authority will cause the endorsements on the pass showing the particulars of the drugs exported and received to be copied on the counterfoil filed in his office. He will then return the pass received from the warehouse to the Political Agent, entering in the pass so returned and in the counterfoil the date of doing so, and signing the entries in the pass and in the counterfoil.

15. The Political Agent will cause the foregoing particulars to be entered in the copy of the pass retained in his office, and will then forward the pass received from the local excise authority to the officer-in-charge of the warehouse or district of export, entering the date of doing so in the pass so returned and in the copy retained in his office, and signing the entry in the pass and in the copy so retained.

16. Drugs that are removed at once without being deposited in bond shall be entered in the register of drugs imported and removed, which shall be in Form I annexed to these rules.

<sup>1</sup>[17. All packages deposited in the warehouse shall, after examination and weighment, be registered in the Stock Account which shall be maintained in Form II annexed to these rules. Registration shall be by packages and each package shall bear a separate number. The weight, as ascertained in accordance with rules 9—12, shall be clearly noted against each package, and no change shall on any account be made without the previous sanction of the local excise authority. The removal of drugs shall as far as possible be permitted in entire packages only.]

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<sup>1</sup> Substituted by Notification No. 3304-C., dated the 8th May, 1929. *Gazette of India*, 1929, Pt. II-A, p. 208.

18. All drugs received in bond shall, after examination, registration and weighment, be placed in store. Each package shall have attached to it a card on which shall be noted—

- (a) a number corresponding to the number in the <sup>1</sup>[Stock Account],
- (b) owner's name,
- (c) description and weight of drugs in the package,
- (d) date of deposit.

19. All drugs in the warehouse shall, as far as possible, be stored separately according to the description of the drugs. The property of each depositor shall also as far as possible be separately arranged in the order of the numbers on the packages.

20. On the deposit of drugs in a warehouse, the depositor shall be furnished with a pass book, free of charge, in Form <sup>1</sup>[III]. No drugs shall be deposited in or subsequently withdrawn from the warehouse without the production of the pass-book. All entries in the pass-book shall be made by the officer-in-charge of the warehouse at the time of the deposit or withdrawal of drugs, and each entry of deposit or withdrawal shall be verified by his initials. Depositors should examine their books before leaving the warehouse, and ascertain that the entries are correct, and Government shall not be responsible for any error not brought to notice at the time of making the entry in which it occurs.

21. On exhaustion of the stock of drugs covered by the pass-book, it shall be retained by the officer-in-charge of the warehouse, and shall be re-issued on a further deposit being made, but not otherwise.

22. On satisfactory proof of the loss of a pass-book, a duplicate may be issued, with the sanction of the local excise authority, on payment of a fee of Re. 1.

23. All pass-books shall be kept in safe custody by the depositors, and Government shall not be responsible for any loss caused to depositors should any unauthorized person obtain possession of the book, and thereby fraudulently procure delivery of drugs.

24. The depositor shall not alter, or manipulate in any way, the entries in his pass-book.

25. The owner of drugs desirous of removing from the warehouse for consumption in the area for which the warehouse is established, drugs deposited therein or produced for weighment thereat shall present to the officer-in-charge of the Treasury an application in duplicate in Form <sup>1</sup>[IV] together with the duty on the drugs that it is desired to remove. The officer-in-charge of the Treasury will receive the application in

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<sup>1</sup> Substituted by Notification No. 3304-C., dated the 8th May, 1929. *Gazette of India*, 1929, Pt. II-A, p. 206.



duplicate and the amount tendered, and, after ascertaining that the amount tendered is correct, will fill up the figures in the endorsement on both copies of the application, sign them in token of the receipt of the amount tendered, and stamp them both with the seal of the Treasury. One copy will then be returned to the applicant, the duplicate being retained in the Treasury. The applicant will then present his copy to the officer-in-charge of the warehouse, who will retain it as his authority for permitting the removal of the drug, endorsing on it over his signature the description and weight of the packages removed, the date of removal and the <sup>1</sup>[reference to the entry made in the shop pass-book] under the following rule, and recording the withdrawal in the registers maintained at the warehouse and, in the case of drugs deposited in the warehouse, in the depositor's pass-book.

26. <sup>1</sup>[The person authorised to remove the drugs from the warehouse shall first produce a shop pass-book in Form <sup>2</sup>VIII] before the officer in-charge of the warehouse, who will make necessary entries therein which will serve as a pass authorising the transport of the drugs to which they relate to their destination. The shop pass-book] will protect the drugs only up to the time entered therein in that behalf, and only so long as they are carried by the most direct route from the warehouse to the licensed premises, and as bulk remains unbroken.

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"NOTE.—Printed copies of the shop pass-book will be supplied from the office of the local excise authority on prepayment of such price, if any, as may be fixed in that behalf. The purchaser will be responsible for the safe custody of the pass book which shall be kept at the licensed premises for being shown on demand to inspecting officers, except when it has to be removed from the shop for the purpose of bringing a fresh consignment from the warehouse. If a current pass book is lost a new one will be issued on payment of such penalty not exceeding Rs. 5 (in addition to price) as may be adjudged by the local excise authority: provided that the local excise authority may entirely remit the penalty in any case justifying such remission. If the opium and hemp drugs licenses are both held by the same person, a single pass book can be used for the transport of both classes of drugs from the warehouses."

27. The issue of drugs from the warehouse for consumption in Native States may be permitted by the local excise authority, free of duty on the application of the owner accompanied by a permit or pass in duplicate, signed or countersigned by the Political Agent accredited to the State in which the drugs are to be consumed or by the Excise Commissioner for Central India, authorizing their import into the State. The drugs shall be securely packed and sealed by the warehouse officer and their description and weight entered by him on both copies of the permit or pass, which shall be signed by him. One copy shall be

<sup>1</sup> Substituted by Notification No. 8550-C., dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 3.

<sup>2</sup> Substituted by Notification No. 3804-C., dated the 8th May, 1928. *Gazette of India*, 1928, Pt. II-A, p. 206.

<sup>3</sup> Deleted and Note added by Notification No. 8550-C., dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 3.

filed in the warehouse as the authority for the issue of the drugs and the second will accompany the drugs to their destination. This copy, with the result of the verification of the drugs on arrival at destination endorsed thereon, will subsequently be returned to the officer-in-charge of the warehouse by the authorities of the State of destination, and will also be filed at the warehouse. It will be the duty of the officer-in-charge of the warehouse to bring to the notice of the local excise authority delay in the return of such permits or passes, and also any serious discrepancy between the drugs despatched and those shown by the endorsement as received.

28. The warehouse dues (if any) unpaid at the time of the removal of drugs from the warehouse shall, prior to such removal, be demanded in the manner prescribed by section 18 (1) of the law by the officer-in-charge, who shall, on payment, grant a receipt for the same in Form <sup>1</sup>[V]. All amounts so received shall forthwith be remitted by the said officer to the Treasury, and a receipt obtained and filed in a guard book. A register of warehouse dues shall be maintained by the officer-in-charge of the warehouse in Form <sup>1</sup>[VI].

29. Ganja and charas remaining uncleared in a warehouse after the expiry of two years from the date on which they were deposited shall, after one month's notice to the owner of the expiry of such period, be disposed of in such manner as the Excise Commissioner for Central India may direct.

30. The warehouse registers shall be totalled at the end of the month and an abstract shall be prepared in Form <sup>1</sup>[VII]. The whole of the drugs in stock shall be verified by the officer-in-charge of the warehouse by counting the packages in the warehouse on the last day of the month, and by comparing the particulars on the cards with those in the registers. The said officer shall endorse on the abstract a certificate stating the results of the foregoing verification. If the amount of duty realised on drugs removed during the month shown in Form <sup>1</sup>[VII] does not, owing to duty-free issues to Native States or to other reasons, agree with the quantities shown as removed during the month, a note reconciling the discrepancy should be recorded at the foot of the abstract and signed by the warehouse officer. This note should state in detail the quantity of each drug issued free of duty to each State and the date of issue. A copy of the abstract and certificate shall be forwarded to the local excise authority on the first day of the following month.

31. The local excise authority shall, before the 10th of every month, compare the entries in registers I, II, III, VII, and VIII for the preceding month with the receipts in Forms <sup>1</sup>[IV] and <sup>1</sup>[V], with the

<sup>1</sup>Substituted by Notification No. 3304-C, dated the 28th May, 1929. *Gazette of India*, 1929, Pt. II-A, p. 203.

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import passes, and with the departmental accounts maintained at his office, and shall certify on the registers the result of such comparison.

32. The warehouse shall be open for the transaction of business during such hours as may from time to time be prescribed by the local excise authority in this behalf. In prescribing such hours the convenience of depositors will be consulted as far as possible. No transaction shall, except under special sanction, be permitted after 6 P.M. Transactions will, as far as possible, be conducted during fixed hours duly notified. The holidays to be allowed, exclusive of Sundays, are only those notified under the Negotiable Instruments Act. Sundays, New Year's Day, Good Friday, the King's birthday and Christmas Day are alone to be treated as *close* holidays. On other days the warehouse shall be open for at least two hours for the transaction of urgent business.

**MHOW, NIMACH AND NOWGONG CANTONMENTS.—(IX.—Orders 425.  
under Local Laws.)**

**FORM I.**

*Register of drugs imported and removed.*

CHAMAR.				GASIA (CHITRAKOTTA).				GASIA (BENGAL).				BHALG.				REMARKS.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Weight of package.	Weight of drug.	Number and date of import pass.	Number and date of receipt for duty.	Amount of duty.	Number of packages.	Weight of drug.	Number and date of import pass.	Number and date of receipt for duty.	Amount of duty.	Number of packages.	Weight of drug.	Number and date of import pass.	Number and date of receipt for duty.	Amount of duty.	Number of packages.	Weight of drug.	Number and date of import pass.
				Rs. A. P.		M. S. C.			Rs. A. P.		M. S. C.			Rs. A. P.		M. S. C.	

Notes.—In the columns for "weight of drug" the weight ascertained in accordance with rules 9—13 will be recorded.

1[FORM II.

*Genje*  
*Stock account of Bhong*  
*in the warehouse at*  
*Ohara*

Date.	GENERAL ACCOUNT.			DETAILS OF SALES.						Number and date of Treasury challan receipted.	Initial of the Warehouse Officer.	Remarks (e.g., No. permit or pass authorising import or export).
	Particulars of balance, receipts, sales, etc.	QUANTITY.		Name of retail vendor.	Shop for which purchased.	QUANTITY.			Duty paid.			
		Serial number of packages.	Weight.			Serial number of packages.	Weight.	Weight.				
1	2	3	4	5	6	7	8	9	10	11	12	

- Notes.—(1) Each package deposited will have assigned to it a separate registered number in column 3 at the time of receipt of each consignment and its weight separately recorded in column 4.
- (2) In the case of drugs destroyed as unfit for use the date of destruction shall appear in column 1, the word "destroyed" instead of "issued" in column 2, the quantity destroyed in column 3 and full particulars in the column of remarks.
- (3) Every page in the register shall be numbered.
- (4) In the case of drugs removed without payment of duty under Rule 27, the words "duty free" will be entered in columns 9 and 10 and a reference to the order permitting such removal and to the permit or pass under which the drugs were removed will be given in the column of remarks.
- (5) Either a certain number of pages shall be allotted for each kind of drug stored or a separate register maintained for each.]

**MEHOW, NIMACH AND NOWGONG CANTONMENTS.—(IX.—Orders 427  
under Local Laws.)**

**FORM 1[III].**

*Pass book of drugs deposited in warehouse.*

**Name of depositor**

### Description of drug

Registered number of package.	Registered weight of package.	Date of deposit.	Initials of officer in charge of warehouse.	Date of withdrawal.	Initials of officer in charge of warehouse.	REMARKS.
1	2	3	4	5	6	7

**Notes.**—(1) A separate set of pages will be allotted to each description of drug deposited.

(2) Each package must be separately entered with its registered number and weight which will be obtained from the personal register of deposits and withdrawals.

<sup>2</sup> Re-numbered by Notification No. 3804-G, dated the 8th May, 1929. *Gazette of India*, 1929, Pt. II-A, p. 206.



**MHOW, NIMACH AND NOWGONG CANTONMENTS.—(IX.—Orders 429  
under Local Laws.)**

**FORM 1[V].**

*Receipt for warehouse dues.*

*Receipt for warehouse dues.*

No. , date	No. , date
(1) Name of depositor.	(1) Name of depositor.
(2) Register numbers and weight of packages.	(2) Register numbers and weight of packages.
(3) Period of retention in warehouse.	(3) Period of retention in warehouse.
(4) Dues realized.	(4) Dues realized.
Signature.	Signature.

**FORM 1[VI].**

*Register of dues in the warehouse.*

Date of receipt.	From whom received.	Registered numbers of packages and weight thereof.	Date of deposit.	Date of withdrawal.	Period of retention.	Dues realized.	Number and date of receipt granted.	Initials of officer in charge of warehouse.	Number and date of Treasury receipt showing credit to Government.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11
						Rs. A. P.				

<sup>1</sup> Re-numbered by Notification No. 8904-C., dated the 8th May, 1929. *Gazette of India*, 1929, Pt. II-A, p. 206.



FORM 1[VII].

*Abstract Statement of receipts, withdrawals and balances of drugs in the warehouse at for the month of*

CHABAS.			GANJA.			BHANG.		
			CENTRAL INDIA.			BENGAL.		
No. of packages.	Weight.	No. of packages.	Weight.	No. of packages.	Weight.	No. of packages.	Weight.	No. of packages.
2	3	4	5	6	7	8	9	
	M. S. O.		M. S. O.		M. S. O.		M. S. O.	
	Ra. A. P.		Ra. A. P.		Ra. A. P.		Ra. A. P.	
1								
Balance in store at commencement of month.								
Received as per Register I.								
Received as per Register II.								
TOTAL								
Removed as per Register I.								
Removed as per Register II.								
Balance in store at end of month.								
Amount of duty realised on drugs removed during the month as per Registers I and II.								

<sup>1</sup> Re-supplied by Notification No. 3304-C., dated the 8th May, 1929. *Gazette of India*, 1929, Pt. II-A, p. 203.

**MHOW, NIMACH AND NOWGONG CANTONMENTS.—(IX.—Orders 431  
under Local Laws.)**

<sup>1</sup>[FORM VIII<sup>2</sup>.]

*Opium — shop pass-book.*  
*Hemp drugs*

Date, month and year.	Description of drugs.	Quantity of opium or other drugs.	Name of person in charge of consignment.	Route.	Time allowed for transit.	Initials of warehouse officer.
		Srs. Tolas.		---		

**NOTE**—The entry will protect the opium or other drugs only up to the time allowed and so long as they are carried by the prescribed route and bulk remains unbroken.

[*Gazette of India*, 1919, Pt. II, p. 1929.]

*Rules regulating supply of opium for consumption in Mhow, Neemuch  
and Nowgong.*

*No. 1947-U., dated the 5th November, 1919.*—In exercise of the powers conferred by section 42 of the Central India (Administered Areas) Excise Law, 1917<sup>3</sup> (hereinafter referred to as “the law”), and in supersession of Notification No. 1164-C., dated the 18th June, 1908, the Agent to the Governor-General in Central India is pleased to make the following rules for the regulation in the Cantonment and Civil Lines of Nowgong, “[the Cantonment of Mhow and the Cantonment of Neemuch] of the matters hereinafter mentioned:—

1. Opium for consumption in the Cantonment and Civil Lines of Nowgong shall be imported on behalf of Government under the orders

<sup>1</sup> Substituted by Notification No. 8550-C., dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 8.

<sup>2</sup> Original Form IX was re-numbered VIII by Notification No. 3304-C., dated the 8th May, 1929. *Gazette of India*, 1929, Pt. II-A, p. 206.

<sup>3</sup> Printed *supra*, p. 40.

<sup>4</sup> Inserted by Notification No. 1044-B., dated the 23rd May, 1922. *Gazette of India*, 1922, Pt. II, p. 1303.

of the Excise Commissioner, and stored in the warehouse establishment under section 17 (a) of the Law.

2. Every consignment of opium received at the warehouse shall at once be opened, and its contents weighed and examined by the officer-in-charge of the warehouse in the presence of the local excise authority and entered in the stock register, the entry being initialled by the local excise authority.

3. Opium shall be supplied by the officer-in-charge of the warehouse only in quantities of not less than a ser in weight and only to the holders of a license from the local excise authority for the sale of opium or to their authorized agents, after prepayment in accordance with the following rules of such price per ser as may from time to time be fixed by the Agent to the Governor-General in Central India in this behalf together with the duty leviable thereon under section 16 (I) of the Law

<sup>1</sup>[3-A. Opium, in quantities of not less than a ser in weight, may also be supplied by the officer-in-charge of the Mhow warehouse to licensees for the retail sale of opium in the Manpur pargana or their authorized agents, after prepayment in accordance with the following rules of such price per ser as may from time to time be fixed by the Agent to the Governor-General in Central India in pursuance of rule 3, together with such duty (to be notified by the Excise Commissioner for Central India to the officer-in-charge of the warehouse) as may from time to time be in force in the said pargana.]

4. Any such person desiring to obtain opium from the warehouse shall present to the officer-in-charge of the Treasury an application in duplicate in Form A hereto appended, together with the price of and duty on the opium that he desires to purchase. The officer-in-charge of the Treasury will receive the application in duplicate and the amount tendered, and, after ascertaining that the amount tendered is correct, will fill up the figures in the endorsement on both copies of the application, sign them in token of the receipt of the amount tendered, and stamp them both with the seal of the Treasury. One copy will then be returned to the applicant, the duplicate being retained in the Treasury. The applicant will then present his copy to the officer-in-charge of the warehouse, who will supply the quantity of opium specified therein, retaining the copy of the application as his authority for doing so, and noting thereon over his signature the date on which the opium was supplied, the amount supplied, and the <sup>2</sup>[reference to the entry made in the shop pass-book] under the following rule.

<sup>1</sup>Inserted by Notification No. 1044-13., dated the 23rd May, 1922. *Gazette of India, 1922, Pt. II, p. 1208.*

<sup>2</sup>Substituted by Notification No. 8551-C., dated the 27th December, 1927. *Gazette of India, 1928, Pt. II-A, p. 3.*

5. <sup>1</sup>[The person authorised to remove the opium from the warehouse shall first produce a shop pass-book in Form B before the officer-in-charge of the warehouse, who will make necessary entries therein which will serve as a pass authorising the transport of the opium to which they relate to its destination. The shop pass-book] will protect the opium only up to the time entered therein in that behalf, and only so long as it is carried by the most direct route from the warehouse to the licensed premises and in unbroken bulk.

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<sup>2</sup>NOTE.—Printed copies of the shop pass-book will be supplied from the office of the local excise authority on prepayment of such price, if any, as may be fixed in that behalf. The purchaser will be responsible for the safe custody of the pass-book which shall be kept at the licensed premises for being shown on demand to inspecting officers, except when it has to be removed from the shop for the purpose of bringing a fresh consignment from the warehouse. If a current pass-book is lost a new one will be issued on payment of such penalty not exceeding Rs. 5 (in addition to price) as may be adjudged by the local excise authority provided that the local excise authority may entirely remit the penalty in any case justifying such remission. If the opium and hemp drugs licenses are both held by the same person, a single pass-book can be used for the transport of both classes of drugs from the warehouses.

6. Opium shall be issued from the warehouse in the order of its receipt. No portion of the contents of a fresh consignment shall be issued until the whole contents of the previous consignment have been disposed of.

7. The stock register shall be maintained in Form C hereto appended, each receipt or issue of opium being entered in a separate line, and a balance struck after each transaction. Any loss of weight by dryage shall be shown in the last column.

<sup>3</sup>[In the case of the warehouse in the Mhow Cantonment column 6 of the stock register should be divided into two sub-columns with sub-headings 'On account of opium issued for consumption in the Mhow Cantonment' and 'On account of opium issued for consumption in the Manpur Pargana.']

The entries in the register shall at least once a month be compared by the local excise authority with the receipts for duty and with the balance of opium in hand. The entries in columns 5 and 6 shall be totalled at the end of each month, and the total of column 6 compared with the corresponding total for the month in the Treasury accounts. In the event of a discrepancy, its cause shall be ascertained by comparing the receipts issued from the Treasury for price of and duty on opium with those presented at the warehouse, and a note reconciling the accounts recorded in the stock register.

<sup>1</sup> Substituted by Notification No. 8551-C., dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 8.

<sup>2</sup> Deleted and Note added by Notification No. 855-C., dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 8.

<sup>3</sup> Added by Notification No. 1044-B., dated the 23rd May, 1928. *Gazette of India*, 1928, Pt. II, p. 1208.

FORM A.	FORM A.
To	To
The Officer in charge of the Treasury at	The Officer in charge of the Treasury at
* * *1	* * *1
Ra. a. p.	Ra. a. p.
Please to receive the sum of being the price of and duty on sars of opium.	Please to receive the sum of being the price of and duty on sars of opium.
Signature.	Signature.
Date.	Date.
Received as per Treasury Receipt No.	Received as per Treasury Receipt No.
Ra. a. p.	Ra. a. p.
the sum of being the price of and duty on the opium specified above.	the sum of being the price of and duty on the opium specified above.
Signature of Treasury Officer.	Signature of Treasury Officer.
Seal of Treasury.	Seal of Treasury
Date	Date.

\*[FORM B].

Opium  
Hemp drugs shop pass-book.

Date, month and year.	Description of drugs.	Quantity of opium or other drugs.	Name of person in charge of consignment.	Route.	Time allowed for transit.	Initials of warehouse officer.
		Srs Tolas.				

**Notes**—The entry will protect the optimum or other drug, only up to the time allowed and so long as they are carried by the prescribed route and bulk remains unbroken.

<sup>1</sup> Deleted by Notification No. 1044-B., dated the 28th May, 1923. *Gazette of India*, 1923, Pt. II, p. 723.

Substituted by Notification No. 8551-C., dated the 27th December, 1937.  
Gazette of India, 1938, Pt. II-A, p. 8

**MHOW, NIMACH AND NOWGONG CANTONMENTS.—(IX.—Orders 435  
under Local Laws.)**

**FORM C.**

Date.	Balance in hand.	Received.	Total.	Amount issued.	Amount of price and duty.	Number and date of Treasury Receipt on account of price and duty.	Balance.	Remarks.
1	2	3	4	5	6	7	8	9
	M. s. c.	M. s. c.	M. s. c.	M. s. c.	Rs. s. p.		M. s. c.	

[Gazette of India, 1919, Pt. II, p. 1940.]

*Price payable for opium supplied under preceding rules.*

No. 1091-C., dated the 27th June, 1919.—In pursuance of rule 3 of the rules<sup>1</sup> regulating the supply of opium for consumption in the Cantonment and Civil lines of Nowgong and in supersession of Central India Agency Notification No. 171-C., dated the 24th January, 1916, the Agent to the Governor-General in Central India is pleased to fix Rs. 16 per seer as the price payable for opium supplied in accordance with the provisions of the said rules.

[*Gazette of India*, 1919, Pt. II, p. 1157.]

*Licenses for the wholesale and retail sale of foreign spirits and fermented liquor.*

<sup>2</sup>No. 2241-C., dated the 10th December, 1919.—(Not re-printed.)

[*Gazette of India*, 1919, Pt. II, p. 2183.]

- (a) *Licenses for the retail sale of country spirit, opium and hemp drugs.*  
(b) *Form of country fermented liquor.* (c) *Licenses for the wholesale supply and sale of country spirit.*

<sup>3</sup>No. 2242-C., dated the 10th December, 1919.—(Not re-printed.)

[*Gazette of India*, 1919, Pt. II, p. 2191.]

*Form of license for Nowgong distillery.*

No. 2243-C., dated the 10th December, 1919.—In exercise of the powers conferred on him by section 42 (2) (1) of the Central India (Administered Areas) Excise Law, 1917,<sup>4</sup> the Agent to the Governor-General in Central India is pleased to direct that the license for the working of the Nowgong distillery shall ordinarily be in the form hereto annexed, and shall be granted by the local excise authority with the previous sanction of the Excise Commissioner for Central India

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### DISTILLERY LICENSE.

License to work a distillery is hereby granted to Messrs.  
of (hereinafter referred to as the licensee) for the period  
beginning on the and ending on the  
subject to the provisions of the Central India (Administered Areas)

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<sup>1</sup> Printed *supra*, p. 431.

<sup>2</sup> Amended by Notification No. 3712-B., dated the 12th December, 1928. *Gazette of India*, 1928, Pt. II-A, p. 400.

<sup>3</sup> Amended by Notification No. 3767-C., dated the 26th May, 1924. *Gazette of India*, 1924, Pt. II-A, p. 197.

<sup>4</sup> Printed *supra*, p. 40.

Excise Law, 1917 (hereinafter referred to as "the Law"), and of the rules from time to time in force thereunder and to the following conditions infraction of any of which provisions or conditions by the licensee or by his servant or agent or by any person acting under his orders or authority or with his knowledge and consent shall render the license liable to forfeiture by order of the Excise Commissioner for Central India without prejudice to any penalty to which the licensee or the person committing such infraction may be liable under the said law:—

\*or leased,  
purchased,  
or as the case  
may be,

1. That distillation under this license shall be carried on only at the distillery \*constructed by the licensee at Nowgong. The apparatus and appliances for the manufacture and storage of spirit and all fittings and appliances required at the distillery, other than excise locks and hydrometers, shall be provided by the licensee.

2. That the distillation, storage and removal of spirit shall be conducted under the supervision and general control of an officer appointed by the Excise Commissioner for Central India, hereinafter referred to as the distillery officer, and that the said officer shall at all times be permitted to gauge and prove the spirit in the distillery. That the licensee shall be responsible for the trenching or removal of all spent-wash and used *mohwa*, and generally for maintaining the premises in a sanitary and inoffensive condition.

3. That the licensee shall take all reasonable precautions to ensure the purity of the spirit, and in particular that he shall take the following precautions, *viz.*,

the return to the still for re-distillation of all spirit of strength weaker than 80 under proof, and of all tailings and foreshots.

4. That no receivers, tanks or vats for the reception of spirit shall be used in the distillery except such as shall have been approved by the Excise Commissioner for Central India. That all such receivers, vats or tanks shall be set up to the satisfaction of the Excise Commissioner for Central India so as to admit of their contents being accurately gauged or measured, and shall be fitted with proper dipping rods so adjusted to fixed dipping places that the contents thereof may at any time be ascertainable. The receivers, tanks and vats shall also be gauged in such manner as the Excise Commissioner for Central India may, from time to time, direct and no vessel shall be used as a receiver or for the storage of spirit until it has been gauged and the gauging has been checked by such officer as may be appointed by the Excise Commissioner. They must be fixed at a proper height and fitted with cocks or discharge pipes so that they can be emptied without being moved, and should be slightly sloped so that they may drain dry through the cocks or pipes without difficulty. The receivers and the storage vats and tanks shall be connected with the condensers and with each other by such pipes and pumps as may be required by the Excise Commissioner.



5. That the licensee shall provide and maintain suitable and secure fastenings for all receivers and vessels used for the storage of spirit and for all cocks capable of being so manipulated as to admit of the removal of spirit from the receivers, vessels used for the storage of spirit, or pipes connected therewith. To all such fastenings, as well as to the doors of all rooms in which spirit is stored, locks provided by Government will be affixed and the keys thereof kept in the custody of the distillery officer. The licensee may also affix his own locks to all such fastenings and doors, provided that he shall always at once remove such locks on the requisition of the distillery officer or of any officer to whom the distillery officer is subordinate.

6. That no operations requiring the presence of the distillery officer shall be carried on excepting on the days and between the hours from time to time approved by the Excise Commissioner in this behalf.

NOTE.—(i) The foregoing shall not be deemed to prohibit (a) the continuance of distillation in the absence of the distillery officer provided that the pipes discharging from the condensor and the receivers are so connected and secured by locks affixed by the distillery officer as to preclude the removal of spirit in his absence, and that the strong room is locked or (b) the conduct at any time during the distillery officer's absence of operations not involving the handling of spirit or the opening of the still room or strong room or of the steam valve in the still room.

(ii) The following days only will be observed as distillery holidays, viz.—

Sundays, the King-Emperor's Birthday, New Year's Day, Christmas Day, the 26th December and one day each at the Holi, Dasehra and Diwali if the distillery officer be a Hindu or at the Id-us-zuha, the Id-ul-fitr and the Moharram if he be a Mussalman, the precise dates to be observed on this last account in each year being determined by the Cantonment Magistrate.

7. That no saccharine or other material which might obscure the hydrometer reading shall be added to spirit at the distillery and that the spirit distilled shall not be adulterated by the addition of any substance other than water.

8. That no spirit shall be removed from the distillery excepting to such warehouses or other places as shall from time to time be approved by the Excise Commissioner for Central India in this behalf. That spirit consigned to such warehouses or places shall, before removal, be gauged and proved by the distillery officer, and shall be removed in casks sealed by him and under passes issued by him in such form as may be prescribed by the Excise Commissioner. That the licensee shall be responsible for the conveyance of the spirit in its entirety to the warehouse or other place of destination and shall be liable to pay duty, at the highest rate leviable in the area in which the warehouse or other place of destination is situated or in the Nowgong Cantonment (which ever may be higher) on all spirit despatched from the distillery which he shall fail either to produce at the warehouse or other place of destination within such period as may be prescribed by the Excise Commissioner for Central India in this behalf or to account to the satisfaction of the Excise Commissioner for his failure to do so. Provided that such

an allowance for dryage in transit as may be prescribed by the Excise Commissioner for Central India in this behalf in respect of each warehouse or other place of destination shall be deducted from any deficiency that may occur in transit. Provided also that the spirit shall, on arrival at the warehouse or other place of destination, be disposed of in accordance with the Law and rules from time to time in force for the conduct of business at the warehouse or for the disposal of the spirit in the case of places other than warehouses.

NOTE.—So long as the Nowgong warehouse is situated within the distillery, so much of the foregoing condition as requires spirit to be removed in sealed casks under passes shall not apply to spirit removed to the Nowgong warehouse.

9. That the licensee shall keep such accounts of materials used and of spirit produced, stored and issued for removal from the distillery or for re-distillation as may be prescribed by the Excise Commissioner. That all such accounts shall at all times during business hours be available for the inspection of the distillery officer or of any officer to whom such officer is subordinate. That the licensee shall be liable for the payment of duty at the highest rate leviable in the Nowgong Cantonment on all spirit (in excess of an allowance of 2 per cent. that will be made for wastage) for which he is unable to account to the satisfaction of the Excise Commissioner (such deficiency will be calculated at the expiry of each year of the contract, the wastage being allowed on the balance in hand at the commencement of the year *plus* spirit produced during the year exclusive of weak spirit issued for re-distillation). Provided that the penalties leviable under this condition shall not be enforced in respect of spirit that may be shown to the satisfaction of the Excise Commissioner to have been wasted or destroyed through accident or other unavoidable cause.

10. That the States supplied from the distillery and Government shall not be responsible for the destruction, loss or damage of spirit or of the licensee's apparatus or appliances by fire, theft, gauging, proof or other cause whatsoever. In the case of fire or other emergency, however, the distillery officer shall, on being informed of the same, immediately attend, at any hour of the day or night, for the purpose of opening the distillery.

11. That the licensee shall—

- (i) provide warehouse accommodation at the distillery.
- (ii) provide at the distillery suitable accommodation for the distillery officer and the staff subordinate to him, and
- (iii) pay Rs. 80 per mensem to Government as supervision charges.

12. That the licensee shall, on the expiry or determination of this license, not be entitled to demand the acquisition by the States served by the distillery or by Government, or by his successor, of the building or

of any of the apparatus, appliances or fittings provided by him at the distillery.

13. That any penalty leviable under this license may be recovered from the licensee in the manner provided by section 19 of the Law, or may be deducted from the sum deposited by him as security under the license held by him for the wholesale supply of country spirit for the Nowgong Cantonment or from any sum due to him under the conditions of that license.

14. That on the expiry, cancellation or determination of said license for the wholesale supply of country spirit, this license shall absolutely determine and cease to be in force, unless the Excise Commissioner for Central India sees fit to continue it for the supply by the contractor of other areas.

15. That the licensee shall be bound by the provisions of the Law, and of all rules from time to time made thereunder. He shall also be bound by the provisions of the United Provinces Steam Boilers and Prime Movers Act, 1899, and of the rules made thereunder, any infringement of which shall be deemed to be an infringement of the conditions of this license.

Provided that the employment in charge of the boiler in use at the distillery of an engineer or engine driver certified under the law relating to Boilers and Prime Movers in force in the United Provinces, the Punjab, the Central Provinces, Bengal or Bombay to be qualified to take charge of boilers of the capacity of the boiler in use at the distillery shall be deemed to be sufficient compliance with clause 2 of section 5 of the latter law.

16. That the licensee's distillery building mentioned in paragraph 1 of this license, and his appliances and stock at the distillery are hereby hypothecated to the Excise Commissioner for Central India as security for the fulfilment of the conditions of this license and also for the fulfilment to the satisfaction of the Excise Commissioner for Central India, of the conditions of the warehouse licenses granted to the licensee for the supply of spirit from the distillery mentioned in clause 1 to the Nowgong, Panna, Amanganj, Ohhatarpur, Ajaigarh, Datia and Gulganj warehouses, or of any license or contract that may hereafter be granted to him for the supply of spirit to Government or to any Native State or to any warehouse maintained by Government or by a Native State.

17. That the stamp duty on this license shall be paid by Government.

*Signed*

*Dated*

*Counterpart.*

We the abovenamed, for ourselves, our heirs, legal representatives and assigns, hereby agree to all the terms and conditions hereinbefore written and expressed.

*Licensee*

*Dated*

*Witness.*

[*Gazette of India*, 1919, Pt. II, p. 2205.]

*Rules regulating the import, possession and vend of denatured spirit.*

<sup>1</sup>No. 1137-C., dated the 31st May, 1926.—Not re-printed.

[*Gazette of India*, 1926, Pt. II-A, p. 221.]

*Rules regulating dealing in morphia and cocaine drugs.*

No. 553-B., dated the 14th April, 1919.—Printed *supra*, p. 374.

*Disposal of confiscated articles.*

No. 416-B., dated the 25th February, 1920.—In exercise of the powers conferred by section 42 (2) (m) of the Central India (Administered Areas) Excise Law, 1917,<sup>2</sup> the Agent to the Governor-General in Central India is pleased to make the following rules as to the disposal of things confiscated under the said Law, *vic.*—

- (1) any spirit, liquor, or drug so confiscated shall be destroyed under the orders of the officers ordering the confiscation unless the estimated value thereof exceeds Rs. 10, in which case it shall be disposed of in such manner as the local excise authority may, with due regard to the rights of persons holding licenses or farms under the said Law, direct;
- (2) any other article so confiscated shall be sold by public auction and the proceeds shall be credited to the Indore Residency Bazar Fund in the case of articles confiscated in the Indore Residency Bazars, and to the Cantonment Fund in other cases.

[*Gazette of India*, 1920, Pt. II, p. 453.]

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<sup>1</sup> Amended by Notification No. 246-B., dated the 8th February, 1928. *Gazette of India*, 1928, Pt. II-A, p. 50.

<sup>2</sup> Printed *supra*, p. 40.

*Exemption from duty of denatured spirit removed from the Nowgong distillery.*

No. 1789-C., dated the 14th October, 1919.—In exercise of the powers conferred by section 43 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, is pleased to exempt from the payment of duty denatured spirit removed from the Nowgong distillery.

[*Gazette of India*, 1919, Pt. II, p. 1811.]

*Exemption of country spirit in transit under permit from the Indore City warehouse and the Barwaha distillery to certain places.*

No. 1790-C., dated the 14th October, 1919.—In exercise of the powers conferred by section 43 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, is pleased to exempt from the operation of sections 15 and 16 of the said Law country spirit in direct transit from the Indore Darbar's bonded warehouse for Indore City or from the Indore Darbar's distillery at Barwaha to licensed shops for the retail sale of country spirit in the Indore, Khudel or Sawer parganas of the Indore State, or to the Dhar State or the Bagli Thakurate. Provided that such spirit shall be accompanied by, and shall be carried in compliance with the provisions of, a pass, in such form as may be approved by the Agent to the Governor-General in Central India in this behalf, granted by the officer-in-charge of the said warehouse or distillery, as the case may be. <sup>2</sup>[Provided also—

- (i) that the same shall be carried in securely sealed receptacles from and to the place and within the period specified in the pass, that the seals shall not be removed nor bulk broken in transit, and that the consignment shall not be unnecessarily delayed in transit through any area to which the law extends;
- (ii) that the same shall be carried only by the route specified in the pass or by the most direct route if no route be so specified and shall in no circumstances be diverted from that route while in transit through any area to which the law extends.]

[*Gazette of India*, 1919, Pt. II, p. 1811.]

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<sup>1</sup> Printed *supra*, p. 40.

<sup>2</sup> Inserted by Notification No. 2277-C., dated the 14th September, 1921. *Gazette of India*, 1921, Pt. II, p. 1842.

*Exemption of opium and hemp drugs in transit to States in Central India.*

No. 2278-C., dated the 14th September, 1921.—In exercise of the powers conferred by section 43 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, is pleased to exempt from the operation of sections 15 and 16 of the said law intoxicating drugs in direct transit to any place in Central India under and in accordance with the conditions of a pass granted by

- (i) a Political Officer in Central India,
- (ii) the Excise Commissioner for Central India or the Deputy Opium Agent in Malwa or his authorized assistant, or
- (iii) in the case of an intoxicating drug other than one in respect of which a notification under section 14 of the law is in force, an officer of the State or area of destination empowered under the law of such State or area to issue such passes authorizing conveyance from a place specified therein to a place similarly specified and within the State or area for the import into which of such drug the officer granting it is empowered to grant passes.

Provided—

- (a) that the same shall be carried in securely sealed receptacles or packages from and to the place and within the period specified in the pass, that the seals shall not be removed nor bulk broken in transit, and that the consignment shall not be unnecessarily delayed in transit through any area to which the law extends,
- (b) that the same shall be carried only by the route specified in the pass or by the most direct route if no route be so specified and shall in no circumstances be diverted from that route while in transit through any area to which the law extends.

2. Notification No. 1791-C., dated the 14th October, 1919, is hereby cancelled.

[*Gazette of India*, 1921, Pt. II, p. 1242.]

*Exemption*—(a) of certain preparations containing opium, morphia and cocaine drugs, (b) of intoxicating drugs imported, exported, etc., on behalf of Government by officers in charge of certain institutions, (c) of the possession of such drugs dispensed from such institutions.

No. 297-C., dated the 29th January, 1923.—In exercise of the powers conferred by section 43 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, is pleased

<sup>1</sup>[in the area in which the said law is in force] to exempt from the operation of the said law and of rules and notifications made thereunder—

- (a) the preparations containing intoxicating drugs entered in the annexed lists, provided that their import by sea shall be permitted only by means other than that of the post,
- (b) the import from, and the export to, places within the limits of India, and the transport, manufacture, possession and sale of intoxicating drugs when such import, export, transport, manufacture, possession or sale is effected on behalf of Government by the officers-in-charge of Military Medical or Veterinary Institutions, and the possession, by the persons for whose use they are dispensed, of such drugs dispensed from such institutions.

2. The Notification of the Central India Agency, No. 554-B., dated the 14th April, 1919, is hereby cancelled.

*List of exempted preparations of Opium.*

1. Brompton Consumption and Cough Specific.
2. Mistura Pepsinæ Compositæ cum Bismutho.
3. Linctus Opiatus.
4. Lotio Plumbi cum Opio.
5. Mistura Scillæ Co.
6. Syrupus Camphoræ Co.
7. Tinctura Anti-periodica.
8. Pulvis Ipecacuanhæ Co. or Dover's powder.
9. Unguentum Gallæ cum Opio.
10. Enteronol or choleral.
11. A specific containing opium for cholera, diarrhœa and dysentery prepared by Bell Drug and Chemical Company, London, and labelled as such.

12. Cotarnina.

<sup>2</sup>[13. Chamberlain's Colic and Diarrhœa Remedy.]

<sup>3</sup>[14. Codeina and its preparations and salts.]

*List of exempted preparations of Morphia.*

1. Anodyne pine expectorant.
2. Apocodeinæ Hydrochloridum.
3. Syrupus Apomorphinæ.
4. Linctus Apomorphinæ cum Codeina.

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<sup>4</sup>[5.] Haustus Apomorphinæ Co.

<sup>4</sup>[6.] Mistura Apomorphinæ et Terebeni.

<sup>1</sup> Inserted by Notification No. 2371-C., dated the 6th August, 1923. *Gazette of India*, 1923, Pt. II, p. 1406.

<sup>2</sup> Added by Notification No. 255-C., dated the 16th January, 1925. *Gazette of India*, 1925, Pt. II-A, p. 39.

<sup>3</sup> Inserted by Notification No. 146-C., dated the 15th April, 1926. *Gazette of India*, 1926, Pt. II-A, p. 150.

<sup>4</sup> Omitted and re-numbered by Notification No. 146-C., dated the 15th April, 1926. *Gazette of India*, 1926, Pt. II-A, p. 150.

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| <p><sup>1</sup>[7.] Powells's Balsam of Aniseed.</p> <p><sup>4</sup>[8.] *Camphorodyne.</p> <p><sup>1</sup>[9.] *Chlorodyne.</p> <p>10. <sup>2</sup>[Apomorphinæ Hydrochloridum.]</p> <p>11. Mono-ethyl Morphinæ Hydrochloridum-Dionin.</p> <p><sup>3</sup>[12. Syrup Cocillanæ Compound.]</p> | <p>7. Allen and Hanbury's Red Gum and Cocaine.</p> <p>8. Sedna Tonic Wine.]</p> <p><sup>5</sup>[9. Parke Davis &amp; Co.'s Kola Compound.</p> <p>10. Parke Davis &amp; Co.'s Coca Cordial.</p> <p>11. Burgoyne Burbridges' Ixi-damn.</p> <p>12. Parke Davis &amp; Co.'s Kola Cordial.</p> <p>13. Wright &amp; Co.'s Damiana Elixir.</p> <p>14. Allen and Hanbury's Menthol Eucalyptus and Cocaine Pastilles.</p> <p>15. Parke Davis &amp; Co.'s Fluid Extract Saw Palmetto Compound.]</p> <p><sup>6</sup>[16. 'Mis Hepatica Conc' manufactured by Messrs. (J. J. Hewlett and Company, London.]</p> <p><sup>6</sup>[17. "Fruarsons" manufactured by Dr. Zambelletti of Milano.]</p> |
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<sup>3</sup>[List of exempted preparations of Cocaine.

1. Throat Mentholated Tablets Rx A.]
- <sup>4</sup>[2. Parke Davis & Co.'s Mentholated Throat Tablets.
3. Parke Davis & Co.'s Elixir Kola Compound.
4. Burroughs Wellcome & Co.'s Tabloid Voice.
5. Allen and Hanbury's Pastilles Menthol Cocaine and Red Gum Pastilles.
6. Allen and Hanbury's Rhatnay and Cocaine.

NOTE.—Preparations Nos. <sup>4</sup>[2 to 17] will enjoy this exemption only so long as they do not contain more than one-tenth per cent. of cocaine.

[*Gazette of India*, 1923, Pt. II, p. 191.]

<sup>1</sup> Re-numbered by Notification No. 146-C., dated the 15th April, 1926. *Gazette of India*, 1926, Pt. II-A, p. 150.

<sup>2</sup> This entry was made by Notification No. 2871-C., dated the 6th August, 1925. *Gazette of India*, 1925, Pt. II, p. 1408.

<sup>3</sup> Added by Notification No. 7296-C., dated the 22nd October, 1924. *Gazette of India*, 1924, Pt. II-A, p. 357.

<sup>4</sup> Inserted by Notification No. 4305-C., dated the 28th October, 1925. *Gazette of India*, 1925, Pt. II-A, p. 354.

<sup>5</sup> Inserted by Notification No. 1762-C., dated the 16th June, 1926. *Gazette of India*, 1926, Pt. II-A, p. 240.

<sup>6</sup> Inserted and substituted by Notification No. 4242-C., dated the 5th October, 1926. *Gazette of India*, 1926, Pt. II-A, p. 369.

<sup>7</sup> Provided that they do not contain more than two grains of morphine per fluid ounce.









## INDORE RESIDENCY BAZARS.

The following British Enactments are in force in the Indore Residency Bazars:—

- |   |                                      |
|---|--------------------------------------|
| I.—Statutes.  | } See <i>supra</i> , pages 19 to 37. |
| II.—Acts of the Governor General in Council and of the Indian Legislature.              |                                      |
| III.—Orders under Statutes.   |                                      |
| IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature. |                                      |
| V.—Acts locally applied.  |                                      |
| VI.—Local Laws.—See <i>infra</i> , pages 448 to 539.                                    |                                      |
| VII.—Orders relating to Courts.—See <i>infra</i> , pages 541 to 546.                    |                                      |
| VIII.—Orders under Acts locally applied.—See <i>infra</i> , pages 547 to 553.           |                                      |
| IX.—Orders under Local Laws.—See <i>infra</i> , pages 555 to 625.                       |                                      |

## VI.—Local Laws.

*Publication of newspapers and other printed works.*

No. 2651-I., dated the 25th June, 1891.—Printed in Appendix XVII.

*Provision for execution of capital sentences in British India.*

No. 1431-I., dated the 27th April, 1893.—Printed in Appendix XIX.

*Central India (Administered Areas) Excise Law, 1917.*

No. 235-I. B., dated the 22nd January, 1918.—Printed *supra*, page 40.

*Indore Residency Bazars Law, 1929.*

No. 65-I., dated the 20th February, 1929.—Whereas it is expedient to consolidate and amend the Regulation relating to the administration of the Indore Residency Bazars, the Governor General in Council is pleased, in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in this behalf, to make the following Law:—

## CHAPTER I.

## PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Law may be called the Indore Residency Bazars Law, 1929.

(2) It extends to the whole of the area at Indore under the administration of the Agent to the Governor General in Central India.

*Definitions.*

2. *Definitions.*—In this Law, unless there is anything repugnant in the subject or context,—

- (i) "Agent to the Governor General" means the Agent to the Governor General in Central India;
- (ii) "Assistant Health Officer" means the Medical Officer appointed by the Agent to the Governor General to be Assistant Health Officer for the Bazars;
- (iii) "the Bazars" means the Indore Residency Bazars;
- (iv) "building" means any house, hut, out-house, shed, stable or other roofed structure for whatever purpose or of whatever material constructed, or any part thereof, and includes a well, but does not include a tent or other portable and temporary shelter;

- (v) "casual election" means an election held to fill a casual vacancy;
- (vi) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of an elected member of the Committee;
- (vii) "the Committee" means the Indore Residency Bazars Committee constituted under this Law;
- (viii) "dairy" includes any farm, cattle-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for sale into butter, ghee, cheese or curds, and, in relation to a dairyman who does not occupy any premises for sale of milk, includes any place in which he keeps the vessels used by him for the storage or sale of milk;
- (ix) "dairyman" includes the keeper of a cow, buffalo, goat, ~~and~~ or other animal, the milk of which is offered or is intended to be offered for sale for human consumption, and any purveyor of milk and any occupier of a dairy;
- (x) "Engineer" means the Public Works Officer holding the appointment of Sub-Divisional Officer, Indore, or such other person as may be designated by the Secretary to the Agent to the Governor General in the Public Works Department in that behalf;
- (xi) "Health Officer" means the Medical Officer holding the appointment of Residency Surgeon at Indore;
- (xii) "hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;
- (xiii) "infectious or contagious disease" means cholera, leprosy, enteric fever, small-pox, tuberculosis, diphtheria, plague, influenza, venereal disease, or any other epidemic, endemic or infectious disease which the Agent to the Governor General may, by notification declare to be an infectious or contagious disease for the purposes of this Law;
- (xiv) "inhabitant", in relation to the Bazars, means any person ordinarily residing or carrying on business, or owning or occupying immoveable property therein;
- (xv) "market" includes any place where persons assemble for the purpose of selling meat, fish, fruit, vegetables, live-stock or any other article of food, clothing or daily necessity;
- (xvi) "notification" means a notification published in the Residency Orders, and "notified" means published by notification;
- (xvii) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or

- offence to the sense of sight, smell or hearing or which is, or may be, dangerous to life or injurious to health or property;
- (xviii) "occupier" includes an owner in occupation of, or otherwise using, his own land or building;
- (xix) "ordinary election" means an election held to fill a vacancy in the office of an elected member of the Committee arising by efflux of time;
- (xx) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land, whether on his own account or on behalf of himself and others or an agent or mortgagee in possession or trustee, or who would so receive the rent, or be entitled to receive it, if the building or land were let to a tenant;
- (xxi) "party wall" means a wall forming part of a building and used, or constructed to be used, for the support or separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons;
- (xxii) "the President" means the President of the Committee;
- (xxiii) "public market" means a market maintained by the Committee;
- (xxiv) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;
- (xxv) "public slaughter-house" means a slaughter-house maintained by the Committee;
- (xxvi) "shed" means a slight or temporary structure for shade or shelter;
- (xxvii) "slaughter-house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;
- (xxviii) "street" includes any way, road, lane, square, court, alley, passage or open space in the Bazars, whether a thoroughfare or not, and whether built upon or not, over which the public have a right of way, and also the roadway or foot-way over any bridge or causeway;
- (xxix) "vehicle" means a wheeled conveyance of any description which is capable of being used on a street and includes a motor car, motor lorry, motor omnibus, cart, locomotive, tram-car, hand-cart, truck, motor cycle, bicycle, tricycle and rickshaw; and
- (xxx) "water-works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-trucks, sluices, mains, pipes, culverts, hydrants, lands, buildings, bridges and things, used for or intended for the purposes of supplying water to the Bazars.

## CHAPTER II.

### BAZARS COMMITTEE.

#### *Constitution.*

3. *Bazars Committee*.—(1) For the better administration of the Bazars an Indore Residency Bazars Committee shall be constituted.

(2) The Committee shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property both moveable and immoveable and to contract, and shall, by the name of the Indore Residency Bazars Committee, sue or be sued.

(3) There shall be a President of the Committee appointed by the Agent to the Governor General.

(4) There shall be a Secretary of the Committee appointed by the Committee subject to the approval of the Agent to the Governor General. The Secretary shall not be a member of the Committee.

4. *Control over Committee*.—The Committee shall be subject in all respects to the control of the Agent to the Governor General.

5. *Members of the Committee*.—(1) The Committee shall consist of the following members, namely:—

(a) The President;

(b) Four members nominated by the Agent to the Governor General;

(c) Five members elected under this Law.

(2) Every election or nomination of a member of the Committee, and the occurrence of any vacancy in the membership thereof, shall be notified.

6. *Term of office of members*.—(1) Save as otherwise provided in this section, the term of office of a member of the Committee shall be three years, and shall commence from the date of the notification of his nomination or election under sub-section (2) of section 5 or from the date on which the vacancy has occurred in which he is elected or nominated, whichever date is later.

(2) The term of office of the President and of any member of the Committee who has been nominated *ex officio* shall continue so long as he holds the office in virtue of which he has been appointed or nominated.

(3) The term of office of a member elected to fill a casual vacancy shall commence from the date of election and shall continue so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(4) An outgoing member shall, unless the Agent to the Governor General otherwise directs, continue in office until the election or nomination of his successor is notified under sub-section (2) of section 5.



(5) Any outgoing member may, if qualified, be re-elected or re-nominated.

7. *Filling of vacancies.*—(1) Vacancies arising by efflux of time in the offices of elected members of the Committee shall be filled by an ordinary election to be held on such date as the Agent to the Governor General may, by notification, direct.

(2) A casual vacancy in the office of an elected member shall be filled by a casual election, the date of which shall be fixed by the Agent to the Governor General by notification and shall be as soon as may be after the occurrence of the vacancy:

Provided that a casual vacancy which occurs within three months of the date on which the vacancy would have occurred by efflux of time shall not be filled until the next ordinary election.

8. *Vacancies in special cases.*—(1) If from any cause at an ordinary election no member is elected, or if the elected member is unwilling to serve on the Committee, the outgoing member shall, if qualified and willing to serve, be deemed to have been re-elected.

(2) If in any such case the outgoing member is not qualified or is not willing to serve, or if at a casual election no member is elected the vacancy shall be filled by nomination by the Agent to the Governor General.

(3) The term of office of a member deemed to have been re-elected under sub-section (1) or nominated under sub-section (2) shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

9. *Resignation.*—Any nominated or elected member of the Committee who wishes to resign his office may forward his resignation in writing, through the President, to the Agent to the Governor General. If the Agent to the Governor General accepts the resignation, such acceptance shall be communicated to the Committee and thereupon the seat of the member resigning shall become vacant.

10. *Vice-President.*—There shall be a Vice-President of the Committee elected by the elected members of the Committee at a meeting thereof from among their own number.

11. *Term of office and resignation.*—(1) The term of office of the Vice-President shall be three years or the residue of his term of office as a member, whichever is less.

(2) The Vice-President may resign his office by notice in writing to the President and on the resignation being accepted by the Committee the office shall become vacant.

12. *Duties of the President.*—(1) It shall be the duty of the President—

(a) unless prevented by reasonable cause, to convene and preside at all meetings of the Committee, and to regulate the conduct of business thereat;

- (b) to exercise supervision and control over the financial and executive administration of the Committee;
- (c) to perform all the duties and exercise all the powers especially imposed or conferred on the President by or under this Law; and
- (d) subject to any restrictions, limitations and conditions imposed by this Law, to exercise executive power for the purposes of carrying out the provisions of this Law and to be directly responsible for the fulfilment of the purposes of this Law.

(2) The President may by order in writing empower the Vice-President to exercise all or any of the powers and duties referred to in clause (c) of sub-section (1) other than any power, duty or function which he is by resolution of the Committee expressly forbidden to delegate.

(3) The exercise or discharge of any powers, duties or functions delegated by the President under sub-section (2) shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the President and to the control of, and to revision by, the President.

(4) Every order made under sub-section (2) shall forthwith be communicated to the Committee and to the Agent to the Governor General.

13. *Duties of the Vice-President.*—It shall be the duty of the Vice-President of the Committee—

- (a) in the absence of the President and unless prevented by reasonable cause, to preside at meetings of the Committee and when so presiding to exercise the authority of the President under sub-section (1) of section 12;
- (b) during the incapacity or temporary absence of the President or pending his appointment or succession, to perform any other duty and exercise any other power of the President; and
- (c) to exercise any power and perform any duty which may be delegated to him under sub-section (2) of section 12

14. *Special power of the President.*—The President may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Committee and the immediate execution or doing of which is, in his opinion, necessary for the service or the safety of the public and may direct that the expense of executing such work or doing such act shall be paid from the Bazar Fund:

Provided that—

- (a) he shall not act under this section in contravention of any order of the Committee prohibiting the execution of any particular work or the doing of any particular act; and
- (b) he shall forthwith report the action taken under this section and the reasons therefor to the Committee.

15. *Duties of the Secretary.*—The Secretary shall be responsible for the custody of all the records of the Committee and shall perform any other duty which the President may direct him to perform.

### *Elections.*

16. *Electoral Rolls.*—(1) The Committee shall prepare and publish annually an electoral roll showing the names of persons qualified to vote at elections to the Committee. Such roll shall be prepared, revised, and finally published in such manner and on such date as the Agent to the Governor General may by notification direct.

(2) Every person whose name appears in the final electoral roll shall, so long as the roll remains in force, be entitled to vote at an election to the Committee, and no other person shall be so entitled.

(3) The Bazars shall be divided into wards, and the electoral roll shall be divided into separate lists for each ward.

(4) If the new electoral roll is not published in any year on the date notified by the Agent to the Governor General in this behalf, he may direct that the old electoral roll shall continue in operation until the new roll is published.

17. *Qualification of electors.*—(1) The following persons shall, if not otherwise disqualified, be entitled to be enrolled as electors, namely:—

- (a) every person who in any year has on or before such date as may be fixed by the Agent to the Governor General in this behalf by notification (hereinafter in this section referred to as the aforesaid date) been assessed directly and on his own account to taxes under this Law (other than beyai, octroi, toll or terminal tax), the aggregate value whereof is not less than such amount as the Agent to the Governor General may by rule prescribe, and who on the aforesaid date is not in arrears in the payment of any such tax;
- (b) every person who has for a period of not less than twelve months immediately preceding the aforesaid date resided in the Bazars and on the aforesaid date—
  - (i) is the owner or the mortgagee in possession or the lessee of any building or land in the Bazars of an annual value calculated in such manner and of not less than such amount as the Agent to the Governor General may by rule prescribe; or
  - (ii) is carrying on any business or profession in the Bazars from which he derives an annual income calculated in such manner and of not less than such amount as the Agent to the Governor General may by rule prescribe; or
  - (iii) is a graduate of any University established by law in British India; or

(*vv*) is a retired or pensioned officer, whether commissioned or non-commissioned, of His Majesty's forces or of the State forces of any State in India.

(2) A person, notwithstanding that he is otherwise qualified, shall not be entitled to be enrolled, as an elector if he on the aforesaid date—

(*i*) is not a British subject or the subject of a State in India, or

(*ii*) is less than twenty-one years of age, or

(*iii*) has been adjudged by a competent Court to be of unsound mind, or

(*iv*) is an undischarged insolvent, or

(*v*) has been sentenced by a Criminal Court to imprisonment for a term exceeding six months or to transportation or has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1898, or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal Code:

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Provided that the Agent to the Governor General may by order in writing remove any disqualification incurred by a person under clause (*v*).

(3) If any person having been enrolled as an elector in any electoral roll subsequently becomes subject to any of the disqualifications referred to in clauses (*i*), (*iii*), (*iv*) and (*v*) of sub-section (2) his name shall be removed from the electoral roll unless, in the case referred to in clause (*v*), the disqualification is removed by the Agent to the Governor General.

18. *Qualification for being a member of the Committee.*—(1) Save as hereinafter provided, every person (not being a stipendiary magistrate or a military officer or soldier) whose name is entered on the electoral roll of the Bazars shall be qualified for election as a member of the Committee.

(2) No person shall be qualified for election as a member of the Committee, if he—

(*a*) has been dismissed from Government service and is debarred from re-employment therein, or is a dismissed servant of the Committee; or

(*b*) is debarred from practising as a legal practitioner by order of any competent authority; or

(*c*) holds any place of profit in the gift or at the disposal of the Committee or is a police officer, or is the servant or employee of a member of the Committee; or

(*d*) is interested in a subsisting contract made with or in work being done for the Committee except as a shareholder (other than a director) in an incorporated company; or

(*e*) is disqualified under any other provision of this Law:

Provided that—

*Proviso.*—(i) any of the disqualifications referred to in clauses (a) and (b) may be removed by an order of the Agent to the Governor General in this behalf, and

(ii) a person shall not be deemed to have any interest in such a contract or work as is referred to in clause (d) by reason only of his having a share or interest in—

(a) any lease or sale or purchase of immoveable property or any agreement for the same; or

(b) any agreement for the loan of money or any security for the payment of money only; or

(c) any newspaper in which any advertisement relating to the Committee is inserted; or

(d) the sale to the Committee of any articles in which he regularly trades or the purchase from the Committee of any articles, to a value in either case not exceeding fifteen hundred rupees in the aggregate in the year during the period of the contract or work.

19. *Interpretation.*—For the purposes of sections 16, 17 and 18,—

(a) “ person ” means an individual human being, and

(b) a person shall be deemed to pay a tax directly if he pays the tax either himself or through a legally appointed agent.

20. *Joint families, etc.*—Notwithstanding anything hereinbefore contained, the Agent to the Governor General may make rules conferring on the manager or representative of an undivided family, or of any company or firm or other association or body, or on any trustee of any land, a right to be enrolled as an elector or to be nominated as a candidate at an election to the Committee.

21. *Power to make rules regulating elections.*—The Agent to the Governor General may, after previous publication, make rules consistent with this Law to regulate all or any of the following matters for the purpose of the holding of elections to the Committee, namely:—

(a) the division of the Bazars into wards;

(b) the determination of the number of members to be elected by each ward;

(c) the method by which the annual value of buildings or lands shall be calculated for the purposes of section 17;

(d) the preparation, revision and final publication of electoral rolls;

(e) the registration of electors, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded;

- (f) the authority by which and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided, and the powers and duties of such authority, and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected;
- (g) any other matter relating to elections or election disputes in respect of which the Agent to the Governor General is empowered to make rules under this Chapter or in respect of which this Law makes no provision or makes insufficient provision and provision is, in the opinion of the Agent to the Governor General, necessary.

*Members.*

22. *Member not to vote in matters in which he is interested.*—No member of the Committee shall vote at a meeting of the Committee on any question relating to his own conduct, or on any matter (other than a matter affecting generally the inhabitants of the Bazars), which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested or of any property of or for which he is a manager or agent.

23. *Liability of Member.*—Every member of the Committee shall be liable for the loss, waste or misapplication of any money or other property belonging to the Committee if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member; and a suit for compensation for the same may be instituted against him by the Committee.

24. *Removal of members.*—(1) The Agent to the Governor General may remove from the Committee any member thereof who—

- (a) becomes subject to any of the disqualifications specified in sub-section (2) of section 17 or sub-section (2) of section 18; or
- (b) has absented himself for more than three consecutive meetings of the Committee and is unable to explain such absence to the satisfaction of the Committee; or
- (c) has knowingly contravened the provisions of section 22; or
- (d) being a legal practitioner, acts or appears on behalf of any other person against the Committee in any legal proceedings or against the Secretary of State in Council in any such proceeding relating to any matter in which the Committee is or has been concerned, or acts or appears on behalf of any person in any criminal proceedings instituted by or on behalf of the Committee against such person.

(2) The Agent to the Governor General may remove from the Committee any member who, in his opinion, has so flagrantly abused in

any manner his position as a member of the Committee as to render his continuance as a member detrimental to the public interests.

(3) No member shall be removed under this section unless he has been given a reasonable opportunity of showing cause against his removal.

25. *Consequences of removal.*—(1) A member removed under clause (b) of sub-section (1) of section 24 shall, if otherwise qualified, be eligible for re-election or re-nomination.

(2) A member removed under clause (c) or clause (d) of sub-section (1) of section 24, shall not be eligible for re-election or nomination for the period during which, but for such removal, he would have continued in office.

(3) A member removed under sub-section (2) of section 24 shall not be eligible for re-election or nomination until the expiry of three years from the date of his removal.

#### *Servants.*

26. *Disqualification of person as a servant of the Committee.*—

(1) No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the Committee, or in any employment under, by or on behalf of the Committee, otherwise than as a servant of the Committee, shall become or remain a servant of the Committee.

(2) A servant of the Committee who knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the Committee, or in any employment under, by or on behalf of the Committee, otherwise than as a servant of the Committee, shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

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(3) Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or to any employment under, by or on behalf of, the Committee if the same is a share in a company contracting with, or employed by, or on behalf of the Committee, or is a share or interest acquired or retained with the permission of the Agent to the Governor General in any lease or sale to, or purchase by, the Committee of land or buildings or in any agreement for the same.

27. *Public servants.*—Every officer or servant, permanent or temporary, of the Committee shall be deemed to be a public servant within the meaning of the Indian Penal Code, and in the definition of "legal remuneration" in section 161 of the Code, the word "Government" shall, for the purposes of this section, be deemed to include the Committee.

*Procedure.*

28. *Meetings.*—(1) The Committee shall ordinarily hold at least one meeting in every month on such day as may be fixed, and of which notice shall be given in such manner as may be provided, by regulations made by the Committee under this Chapter.

(2) The President may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-half of the members of the Committee, convene a special meeting.

(3) Any meeting may be adjourned until the next or any subsequent day and an adjourned meeting may be further adjourned in like manner.

29. *Business to be transacted.*—Subject to any regulation made by the Committee under this Chapter, any business may be transacted at any meeting:

Provided that no business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless notice of the same and of the date fixed therefor has been sent to each member not less than seven days before that date.

30. *Quorum.*—(1) The quorum necessary for the transaction of business at a meeting of the Committee shall be five.

(2) If a quorum is not present, the President shall adjourn the meeting and the business which would have been brought before the original meeting if there had been a quorum present thereat shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

31. *Presiding Officer.*—In the absence of both the President and the Vice-President from any meeting the members present shall elect one from among their own number to preside.

32. *Minutes.*—(1) Minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the President before the close of the meeting, and shall, at such times and in such place as may be fixed by the Committee, be open to inspection free of charge by any inhabitant of the Bazars.

(2) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for information to the Agent to the Governor General.

33. *Meetings to be public.*—Every meeting of the Committee shall be open to the public unless in any case the President, for reasons to be recorded in the minutes, otherwise directs.

34. *Methods of deciding questions.*—(1) All questions coming before a meeting shall be decided by the majority of the votes of the members present and voting.



(2) In the case of an equality of votes the President shall have a second or casting vote.

(3) The dissent of any member from any decision of the Committee shall, if the member so requests, be entered in the minutes together with a short statement of the grounds for such dissent.

35. *Power to make regulations.*—(1) The Committee may make regulations consistent with this Law and with the rules made thereunder to provide for all or any of the following matters, namely:—

- (a) the time and place of its meetings;
- (b) the manner in which notice of meetings shall be given;
- (c) the conduct of proceedings at meetings and the adjournment of meetings;
- (d) the custody of the common seal of the Committee and the purposes for which it shall be used; and
- (e) the appointment of sub-committees for any purpose and the determination of all matters relating to the constitution and procedure of such sub-committees and the delegation to such sub-committees, subject to any conditions which the Committee thinks fit to impose, of any of the powers or duties of the Committee under this Law other than a power to make regulations or bye-laws.

(2) No regulation made under clause (e) of sub-section (1) shall take effect unless it has been approved by the Agent to the Governor General.

(3) No regulation made under this section shall take effect until it has been published in such manner as the Agent to the Governor General may direct.

36. *Power to require execution of work.*—If the Agent to the Governor General is of opinion—

- (a) that any duty imposed on the Committee by or under this Law has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or
- (b) that adequate financial provision has not been made for the performance of any such duty,

he may direct the Committee to make, within such period as he thinks fit, arrangements to his satisfaction for the proper performance of the duty, or, as the case may be, financial provision to his satisfaction for the performance of the duty:

Provided that, unless in his opinion the immediate execution of such order is necessary, he shall, before making any direction under this section, give the Committee an opportunity of showing cause why such direction should not be made.

37. *Power to provide for enforcement of direction under section 36.*—If within the period fixed by a direction made under section 36 any action the taking of which has been directed under that section has not been duly taken, the Agent to the Governor General may make arrangements for the taking of such action and may direct that all expenses connected therewith shall be defrayed out of the Bazars Fund.

38. *Power to overrule decision of the Committee.*—If the President dissents from any decision of the Committee which he considers prejudicial to the health and welfare of the inhabitants of the Bazars, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month, and if he does so shall forthwith refer the matter to the Agent to the Governor General.

39. *Powers of the Agent to the Governor General on reference under section 38 or otherwise.*—When any such reference has been made to him in this behalf by the President, the Agent to the Governor General may, by order in writing,—

- (a) cancel the order given by the President directing the suspension of action; or
- (b) extend the duration of the order for such period as he thinks fit; or
- (c) direct that the decision be carried into effect by the Committee with such modifications as he may specify; or
- (d) direct that no action be taken on the decision.

40. *Supersession of the Committee.*—(1) If, in the opinion of the Agent to the Governor General, the Committee is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Law, or otherwise by law, or exceeds or abuses its powers, the Agent to the Governor General may by an order notified together with a statement of the reasons therefor, declare the Committee to be incompetent or in default or to have exceeded or abused its power, as the case may be, and supersede it for such period as may be specified in the order:

Provided that no Committee shall be superseded unless a reasonable opportunity has been given to it to show cause against the supersession.

(2) When a Committee is superseded by an order under sub-section (1),—

- (a) all members of the Committee shall, on such date as may be specified in the order, vacate their offices as such members, but without prejudice to their eligibility for election or nomination under clause (c);

- (b) during the supersession of the Committee all powers and duties conferred and imposed upon the Committee by or under this Law or otherwise by law shall be exercised and performed by the President, subject to such reservations, if any, as the Agent to the Governor General may prescribe in this behalf; and
- (c) before the expiry of the period of supersession elections shall be held and nominations made for the purpose of reconstituting the Committee.

### *Validity of Proceedings.*

41. *Validity of proceedings, etc.*—(1) No act or proceeding of the Committee or of any sub-committee of the Committee shall be invalid by reason only of the existence of a vacancy in the Committee or sub-committee.

(2) No disqualification or defect in the election, nomination or appointment of a person acting as the President or a member of the Committee or any such sub-committee shall vitiate any act or proceeding of the Committee or sub-committee, if the majority of the persons present at the time of the act being done or the proceeding being taken were duly qualified members thereof.

(3) Any document or minutes which purport to be the record of the proceedings of the Committee or of any sub-committee of the Committee shall, if made and signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a correct record of the proceedings of a duly convened meeting, held by a duly constituted Committee or sub-committee, as the case may be, whereof all the members were duly qualified.

## CHAPTER III.

### TAXATION.

#### *Imposition of Taxation.*

42. *General power of taxation.*—The Agent to the Governor General may, by notification, impose in the Bazars any tax which under any enactment in force on the date of the notification may be imposed in any municipality in British India.

43. *Framing of preliminary proposals.*—(1) When the Agent to the Governor General proposes to impose any tax under section 42 he shall give public notice of his intention.

(2) Every notice issued under sub-section (1) shall specify—

- (a) the tax which it is proposed to impose;
- (b) the persons or classes of persons to be made liable and the description of the property or other taxable thing or circumstance in respect of which they are to be made liable; and
- (c) the rate at which the tax is to be levied.

44. *Objections.*—Any inhabitant of the Bazars may, within thirty days from the date of the notice under section 43, submit to the Agent to the Governor General an objection in writing to all or any of the proposals framed therein, and the Agent to the Governor General shall take any objection so submitted into consideration.

45. *Consideration of objections and imposition of tax.*—After the expiry of thirty days from the date of the notice and after considering all objections submitted thereto under section 44, the Agent to the Governor General may impose the tax either in the original form or, if any such objection has been so submitted, either in that form or in such modified form as he thinks fit.

46. *Definition of annual value.*—For the purposes of this Chapter “annual value” means—

- (a) in the case of hotels, colleges, schools, hospitals, factories and any other buildings, which the Committee decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto, and
- (b) in the case of a building or land not assessed under clause (a), the gross annual rent for which such building (exclusive of furniture or machinery therein), or such land is actually let or, where the building or land is not let or in the opinion of the Committee is let for a sum less than its fair letting value, might reasonably be expected to be let from year to year:

Provided that, where the annual value of any building is, by reason of exceptional circumstances, in the opinion of the Committee, excessive if calculated in the aforesaid manner, the Committee may fix the annual value at any less amount which appears to it to be just.

47. *Incidence of taxation.*—(1) Save as otherwise expressly provided in the notification imposing the tax, every tax assessed on the annual value of buildings or lands or of both shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he is the owner of the buildings or lands or holds them on a build-

ing or other lease from the Secretary of State in Council or from the Committee or on a building lease from any person.

(2) In any other case, the tax shall be primarily leviable as follows, namely:—

- (a) if the property is let, upon the lessor;
- (b) if the property is sub-let, upon the superior lessor;
- (c) if the property is unlet, upon the person in whom the right to let the same vests.

(3) On failure to recover any sum due on account of such tax from the person primarily liable, there may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due such portion of the sum due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.

(4) An occupier who makes any payment for which he is not primarily liable under this section, shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable for the payment, and, if so entitled, may deduct the amount so paid from the amount of any rent from time to time becoming due from him to such person.

#### *Assessment List.*

48. *Assessment list.*—When a tax assessed on the annual value of buildings or lands or both is imposed, the Committee shall cause an assessment list of all buildings or lands in the Bazars or of both, as the case may be; to be prepared in such form as the Agent to the Governor General may by rule prescribe.

49. *Publication of assessment list.*—When the assessment list has been prepared, the Committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any property included in the list, and any authorised agent of such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge.

50. *Revision of assessment list.*—(1) The Committee shall, at the same time, give public notice of a date, not less than one month thereafter, when it will proceed to consider the valuations and assessments entered in the assessment list, and, in all cases in which any property is for the first time assessed or the assessment is increased, it shall also give written notice thereof to the owner and to any lessee or occupier of the property.

(2) Any objection to a valuation or assessment shall be made in writing to the Committee before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the Committee.

(3) The objections shall be enquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent by an assessment sub-committee appointed by the Committee.

(4) The assessment sub-committee shall consist of not less than three persons, and it shall not be necessary to appoint any member of the Committee to the assessment sub-committee.

51. *Authentication of assessment list.*—(1) When all objections made under section 50 have been disposed of and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signature of the members of the assessment sub-committee who shall, at the same time, certify that they have considered all objections duly made and have amended the list so far as is required by their decisions on such objections.

(2) The assessment list so authenticated shall be deposited in the office of the Committee and shall there be open free of charge during office hours to all owners, lessees and occupiers of property comprised therein, or the authorised agents of such persons, and the fact that it is so open shall forthwith be notified.

52. *Evidential value of assessment list.*—Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Chapter and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 51 shall be accepted as conclusive evidence—

(i) for the purpose of assessing any tax imposed under this Law, of the annual value, or other valuation, of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon during the year to which such list relates.

53. *Amendment of assessment list.*—(1) The Committee may at any time amend the assessment list by inserting the name of any person whose name ought to have been or ought to be inserted, or by inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Committee or of the assessment sub-committee or of the assessors, or, in the case of a tax payable by an occupier, by a change

in the tenancy, after giving notice to any person affected by the amendment of a time, not less than one month from the date of service, at which the amendment is to be made:

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the financial year in which the amendment is made.

(2) Any person interested in any such amendment may tender an objection to the Committee in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent.

54. *Preparation of new assessment list.*—The Committee shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 48 to 53 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

55. *Notice of transfers.*—(1) Whenever the title of any person primarily liable for the payment of a tax assessed on the annual value of any building or land to or over such building or land is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer to the President.

(2) In the event of the death of any person primarily liable as aforesaid the person on whom the title of the deceased devolves shall give notice of such devolution to the President within six months from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the President may direct, and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the President any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the President shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the Committee, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

56. *Notice of erection of building.*—(1) If any building is erected or re-erected within the meaning of section 154, the owner shall give notice thereof to the President or such other officer as the President may by general or special order appoint for this purpose, within thirty days from the date of its completion, or occupation, whichever is earlier.

(2) Any person failing to give the notice required by sub-section (1) shall be punishable with fine which may extend to fifty rupees or ten times the amount of the tax payable on the said building as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

*Remission and Refund.*

57. *Demolition of buildings, etc.*—If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Committee may on the application of the owner, remit or refund such portion of any tax assessed on the annual value thereof as it thinks fit.

58. *Remission of tax.*—When any building or land has remained vacant and unproductive of rent for ninety or more consecutive days during any year, the Committee shall remit or refund, as the case may be, such portion of any tax assessed on the annual value thereof and payable thereon in respect of that year as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent.

59. *Power to require entry in assessment list of details of buildings.*—For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Committee, at the time of the assessment of the building, to enter in the assessment list, in addition to the annual value of the whole building, a note recording in detail the annual value of each separate tenement. When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for ninety or more consecutive days during any year, such portion of any tax assessed on the annual value of the whole building and payable in respect of that year shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

60. *Notice of claim to remission or refund.*—No remission or refund under section 57, section 58 or section 59 shall be made unless notice in writing of the circumstances in which it is claimed has been given to the Committee within three weeks after the expiry of the period in respect of which it is claimed.

61. *What buildings, etc., are to be deemed vacant.*—(1) For the purposes of sections 58 and 59 no building, tenement or land shall be deemed vacant if maintained as a pleasure resort or town or country house, or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

(2) The burden of proving all facts entitling any person to claim relief under section 57, section 58 or section 59 shall be upon him.



62. *Notice to be given of every occupation of vacant building or house.*—(1) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 58 or section 59 shall give notice of the re-occupation of such building or land within fifteen days of such re-occupation.

(2) Any owner failing to give the notice required by sub-section (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable in respect of such building, tenement or land for the period during which it has been re-occupied and which may extend to fifty rupees or to ten times the amount of the said tax, whichever sum is greater.

### *Charge on Immoveable Property.*

63. *Tax on buildings and land to be a charge thereon.*—A tax assessed on the annual value of any building or land shall be a first charge upon the building or land.

### *Beyai, Octroi, Terminal Tax and Toll.*

64. *Inspection of imported goods, etc.*—Every person bringing or receiving within the limits of the Bazars any goods, vehicles, or animals on which beyai, octroi, terminal tax or toll is leviable shall, when so required by an officer duly authorized by the Committee in this behalf, so far as may be necessary for ascertaining the amount of tax chargeable,—

- (a) permit that officer to inspect, examine or weigh such goods, vehicles or animals; and
- (b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which such person may possess relating to such goods, vehicles or animals.

65. *Evasion of beyai, octroi, terminal tax or toll.*—(1) Any person who takes or attempts to take past any octroi station or any other place appointed within the Bazars for the collection of beyai, octroi, terminal tax or toll any goods, vehicles, or animals, on account of which beyai, octroi, terminal tax or toll is leviable, and thereby evades, or attempts to evade, the payment of such beyai, octroi, terminal tax or toll, and any person who abets any such evasion or attempt at evasion, shall be punishable with fine which may extend either to ten times the value of such beyai, octroi, terminal tax or toll, or to fifty rupees, whichever is greater, and which shall not be less than twice the value of such beyai, octroi, terminal tax or toll, as the case may be.

(2) In case of non-payment of any beyai, octroi, terminal tax or toll on demand, the officer empowered to collect the same may seize any

goods, vehicles or animals on which the beyai, octroi, terminal tax or toll is chargeable or any part or number thereof, which is of sufficient value to satisfy the demand.

(3) The Committee, after the lapse of five days from the seizure, and after the issue of a notice in writing to the person in whose possession the goods, vehicles, or animals were at the time of seizure, fixing the time and place of sale, may cause the property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand and any expenses occasioned by the seizure, custody and sale thereof unless the demand and expenses are in the meantime paid:

Provided that the President or such other officer as he may by general or special order nominate for this purpose may in any case order that any article of a perishable nature which cannot be kept for five days without serious risk of damage, or which cannot be kept save at a cost which, together with the amount of beyai, octroi, terminal tax or toll, is likely to exceed its value, shall be sold after the lapse of such shorter time as he may, having regard to the nature of the article, think proper.

(4) If, at any time before the sale has begun, the person whose property has been seized tenders to the President or such officer the amount of all expenses incurred and of the beyai, octroi, terminal tax or toll, the President shall release the property seized.

(5) The surplus, if any, of the sale proceeds shall be credited to the Bazars Fund, and shall, on application made to the Committee within one year after the sale, be paid to the person in whose possession the property was at the time of seizure, and, if no such application is made, shall be the property of the Committee.

66. *Lease of beyai, octroi, terminal tax or toll.*—It shall be lawful for the Committee, with the previous sanction of the Agent to the Governor General, to lease the collection of any beyai, octroi, terminal tax or toll for any period not exceeding one year, and the lessee and all persons employed by him in the management and collection of the beyai, octroi, terminal tax or toll, shall in respect thereof—

- (a) be bound by any orders made by the Committee for their guidance;
- (b) have such powers exerciseable by officers or servants of the Committee under this Law as the Committee may confer upon them; and
- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the Committee for the management and collection of the beyai, octroi, terminal tax or toll, as the case may be:

Provided that no article distrained shall be sold except under the orders of the Committee.

*Appeals.*

67. *Appeals against assessment.*—(1) An appeal against the assessment or levy of, or against a refusal to remit or refund any tax under this Law shall lie to the District Magistrate or to such other officer as may be empowered by the Agent to the Governor General in this behalf:

Provided that the appellate authority shall not be a person who is, or was when the tax was imposed, a member of the Committee.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of the appellant, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Agent to the Governor General.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Order XLVI of the First Schedule to the Code of Civil Procedure, 1908.

V of 1908.

(4) In every appeal the costs shall be in the discretion of the officer hearing the appeal.

68. *Recovery of costs from Committee.*—If the Committee fails to pay any costs awarded to an appellant within ten days after the date of the order for the payment thereof, the officer awarding the costs may order the person having the custody of the balance of the Bazars Fund to pay the amount.

69. *Conditions of right to appeal.*—No appeal shall be heard or determined under this Chapter unless—

- (a) the appeal is, in the case of a tax assessed on the annual value of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 51 (exclusive of the time requisite for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under section 53, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the

appellant satisfies the appellate authority that he had sufficient cause for not preferring it within that period;

(b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Committee.

70. *Finality of the appellate orders.*—The order of an appellate authority confirming, setting aside or modifying an order in respect of any valuation or assessment or liability to assessment or taxation shall be final:

Provided that it shall be lawful for the appellate authority, upon application or on its own motion, to review any order passed by it in appeal if application in this behalf is made within three months from the date of the original order.

### *Payment and Recovery of Taxes.*

71. *Time and manner of payment of taxes.*—Save as otherwise expressly provided by or under this Law, any tax imposed under the provisions of this Law shall be payable on such dates and in such instalments, if any, as the Committee may, by public notice, direct.

72. *Presentation of bill.*—(1) When any tax has become due, the President or such other officer as he may by general or special order nominate for this purpose shall cause to be presented to the person liable for the payment thereof a bill for the amount due.

(2) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

73. *Notice of demand.*—(1) If the amount of the tax for which any bill has been presented is not paid to the Committee within thirty days from the presentation thereof, the President or such other officer as he may by general or special order nominate for this purpose may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule I.

(2) For every notice of demand which the President or such officer causes to be served on any person under this section a fee of such amount not exceeding one rupee as shall in each case be fixed by the President or such officer shall be payable by the said person and shall be included in the costs of recovery.

74. *Recovery of tax.*—(1) If the person liable for the payment of any tax does not, within thirty days from the service of the notice of demand, pay the amount due or show sufficient cause for non-payment of the same to the satisfaction of the President or such other officer as he may by general or special order nominate for this purpose, such sum, with all costs of recovery, may be recovered under a warrant issued in the form set forth in Schedule II, by distress and sale of the moveable property of the defaulter:

Provided that the President or such officer shall not recover any sum the liability for which has been remitted on appeal under this Chapter.

(2) Every warrant issued under this section shall be signed by the President or such other officer as he may by general or special order nominate for this purpose.

75. *Distress.*—(1) It shall be lawful for any servant of the Committee to whom a warrant issued under section 74 is addressed to distrain, wherever it may be found, any moveable property of the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely:—

(a) the following property shall not be distrained:—

- (i) the necessary wearing apparel and bedding of the defaulter, his wife and children;
- (ii) tools of artisans;
- (iii) books of accounts; or
- (iv) when the defaulter is an agriculturist, his implements of husbandry, seed, grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood:

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant and if any property has been distrained which, in the opinion of the President or such other officer as he may nominate by general or special order for this purpose, should not have been distrained, it shall forthwith be returned.

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant and shall, at the same time, give a written notice in the form set forth in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

76. *Disposal of distrained property.*—(1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the President or such officer as he may by general or special order nominate for this purpose shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the President or such officer or discharged the property seized shall, after the factory, hotel, club or group of buildings or lands

of section 75 be sold by public auction by the order of the President or such officer.

(3) The surplus of the sale proceeds, if any, shall forthwith be credited to the Bazars Fund, and notice of such credit shall be given at the same time to the person from whose possession the property was taken, and, if the same is claimed by written application to the Committee within one year from the date of the notice, a refund thereof shall be made to such person. Any surplus not claimed within one year, as aforesaid, shall be the property of the Committee.

(4) For every distraint made under this Chapter, a fee of such amount, not exceeding one rupee, as shall be in each case fixed by the President or such officer, shall be charged, and the said fee shall be included in the costs of recovery.

77. *Recovery from a person about to leave the Bazars.*—(1) If the President or such other officer as he may by general or special order nominate for this purpose has reason to believe that any person from whom any sum is or is about to become due on account of any tax is about to remove from the Bazars he may direct the immediate payment by such person of the sum so due or about to become due, and cause a bill for the same to be served on such person.

(2) If, on the service of such bill, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale in the manner hereinbefore provided in this Chapter, except that it shall not be necessary to serve upon the defaulter any notice of demand and the warrant for distress and sale may be issued and executed without delay.

78. *Power to institute suit for recovery.*—Instead of proceeding against a defaulter by distress and sale as hereinbefore provided in this Chapter, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any Court of competent jurisdiction.

### *Special Provisions.*

79. *Power to make special provision for conservancy in certain cases.*—The Committee may make special provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, and may fix a special rate and the dates and other conditions for periodical payments thereof, which shall be determined by a written agreement with the person liable for the payment of the conservancy or scavenging tax, in respect of such factory, hotel, club or group of buildings or lands:

Provided that, in fixing the amount proper regard shall be had to the probable cost to the Committee of the services to be rendered.

80. *Exemption in the case of buildings, etc.*—(1) When, in pursuance of section 79, the Committee has fixed a special rate for the cleansing of any factory, hotel, club or group of buildings or lands, such premises shall be exempted from the payment of any conservancy or scavenging tax imposed in the Bazars.

(2) The following buildings and lands shall be exempt from any tax on property, namely:—

- (a) places set apart for public worship and either actually so used or used for no other purpose;
- (b) buildings used for educational purposes and public libraries, playgrounds and dharamshalas which are open to the public or any section of the public and from which no income is derived;
- (c) hospitals and dispensaries maintained wholly by charitable contributions;
- (d) burning and burial grounds not being the property of Government or the Committee, which are controlled under the provisions of this Law;
- (e) buildings or lands vested in the Committee; and
- (f) any buildings or lands, used or acquired for the public service or for any public purpose which are the property of, or in the occupation of, the Government.

81. *Exemptions of persons or property.*—The Agent to the Governor General may, by notification, exempt either wholly or in part from the payment of any tax imposed under this Law, any person or class of persons or any property or goods or class of property or goods.

82. *Exemption of poor persons.*—The Committee may exempt, for a period not exceeding one year at a time, from the payment of any tax or any portion of a tax imposed under this Law, any person who is in its opinion by reason of poverty unable to pay the same.

83. *Composition.*—(1) The Committee may, with the previous sanction of the Agent to the Governor General, allow any person to compound for any tax.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recoverable as if it were a tax.

84. *Irrecoverable debts.*—The Committee may write off any sum due on account of any tax or of the costs of recovering any tax if such sum is in its opinion irrecoverable.

85. *Obligation to disclose liability.*—(1) The President or such other officer as he may by general or special order nominate for this purpose may, by written notice, call upon any inhabitant of the Bazar to

furnish such information as may be necessary for the purpose of ascertaining—

- (a) whether such inhabitant is liable to pay any tax imposed under this Law;
- (b) at what amount he should be assessed; or
- (c) the annual value of the building or land which he occupies and the name and address of the owner or lessee thereof.

(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees.

86. *Immaterial error not to affect liability.*—No assessment and no charge or demand on account of any tax or fee shall be impeached or affected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or in the amount of the assessment, charge or demand, if the directions contained in this Law and the rules and bye-laws made thereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such mistake shall be entitled to recover compensation for the same by a suit in a Court of competent jurisdiction.

87. *Distraint not to be invalid by reason of immaterial defect.*—No distress levied under this Chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account only of any defect of form in the notice of demand, warrant of distress or other proceeding relating thereto; nor shall any such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

## CHAPTER IV.

### BAZARS FUND AND PROPERTY.

#### *Bazar Fund.*

88. *Bazar Fund.*—There shall be formed for the Bazars a Bazar Fund, and there shall be placed to the credit thereof the following sums, namely:—

- (a) the balance, if any, of the Residency Bazars Fund formed for the Bazars under the Regulation for the better administration of the Indore Residency Bazars, 1904;



- (b) all sums received by or on behalf of the Committee; and
- (c) subject to any deductions made under section 545 of the Code V of 180 of Criminal Procedure, 1898, or under any other law for the time being in force or under any order of the Agent to the Governor General, all fines recovered from persons convicted of offences committed within the Bazars—
  - (i) under this Law or any rule or bye-law made thereunder, or
  - (ii) under section 34 of the Police Act, 1861, or under any V of 180 corresponding enactment for the time being in force, or
  - (iii) under Chapter XIII or Chapter XIV of the Indian Penal XLV of Code, or
  - (iv) under the provisions of any enactment wherein or where-under provision is made for a fine being credited to a local fund, or
  - (v) under any other enactment for the time being in force in respect of which the Agent to the Governor General may, by general or special order, direct that fines realised thereunder, shall be credited to the Bazars Fund.

89. *Custody of Bazars Fund.*—(1) The Bazars Fund shall be kept in the Government Treasury.

(2) The Committee may, with the previous sanction of the Agent to the Governor General, invest any portion of the Bazars Fund in securities of the Government of India or in such other securities, including fixed deposits in banks, as the Agent to the Governor General may approve in this behalf, and may dispose of such investments or vary them for others of a like nature.

(3) The income resulting from any fixed deposit or from any such security as is referred to in sub-section (2) or from the proceeds of the sale of any such security shall be credited to the Bazars Fund.

### *Property.*

90. *Property.*—Subject to any special reservation made by the Agent to the Governor General, all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by the Committee shall vest in and belong to the Committee, and shall be under its direction, management and control, that is to say—

- (a) all markets, slaughter-houses, manure and night-soil depôts, and buildings of every description;
- (b) all water-works for the supply, storage or distribution of water for public purposes and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto;

- (c) all sewers, drains, culverts, and water-courses, and all works, materials and things appertaining thereto;
- (d) all dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals, collected by the Committee from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the Committee for such purpose;
- (e) all lamps and lamp-posts, and apparatus connected therewith, or appertaining thereto;
- (f) all land or other property which has been duly transferred to the Committee, by gift, purchase, or otherwise for local public purposes; and
- (g) all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

91. *Application of Bazars Fund and property.*—The Bazars Fund and all property vested in the Committee shall be applied for the purposes, whether express or implied, for which, by or under this Law or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon the Committee:

Provided that the Committee shall not incur any expenditure for acquiring or renting land beyond the limits of the Bazars or for constructing any work beyond such limits except with the sanction of the Agent to the Governor General and on such terms and conditions as he may impose:

Provided, further, that priority shall be given in the order hereinafter set forth to the following liabilities and obligations of the Committee, that is to say—

- (a) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the Committee;
- (b) to the payment of establishment charges;
- (c) to the payment of such expenses on account of pauper lunatics sent from the Bazars to public lunatic asylums and mental hospitals as the Agent to the Governor General directs the Committee to pay; and
- (d) to the payment of any sum the payment of which is expressly required by the provisions of this Law or any rule or bye-law made thereunder.

92. *Acquisition of immovable property.*—When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by the Committee for the purposes of this Law, the Agent to the Governor General may, at the request of the Committee, proceed

to acquire it under the provisions of the Land Acquisition Act, 1894, <sup>I of 1894.</sup> and on payment by the Committee of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Committee.

93. *Power to make Rules regarding Bazars Fund and property.*—The Agent to the Governor General may make rules consistent with this Law to provide for all or any of the following matters, namely:—

- (a) the conditions on which property may be acquired by the Committee or on which property vested in the Committee may be transferred by sale, mortgage, lease, exchange or otherwise; and
- (b) any other matter relating to the Bazars Fund or Bazars property in respect of which no provision or insufficient provision is made by or under this Law, and provision is in the opinion of the Agent to the Governor General necessary.

## CHAPTER V.

### CONTRACTS.

94. *Contracts by whom to be executed.*—Subject to the provisions of this Chapter, the Committee shall be competent to enter into and perform any contract necessary for the purposes of this Law.

95. *Sanction.*—(1) Every contract—

- (a) for which budget provision does not exist, or
- (b) which involves a value or amount exceeding one hundred rupees,

shall require the sanction of the Committee.

(2) Every contract other than a contract such as is referred to in sub-section (1) shall be sanctioned by the Committee or by the President on behalf of the Committee.

96. *Execution of contracts.*—(1) Every contract made by or on behalf of the Committee the value or amount of which exceeds fifty rupees shall be in writing, and every such contract shall be signed by two members, of whom the President shall be one, and be sealed with the common seal of the Committee:

Provided that the President may, in a case of urgency, execute on behalf of the Committee any contract the value or amount of which does not exceed two hundred rupees.

(2) When the President executes a contract on behalf of the Committee under sub-section (1), he shall submit a report of his action and of the reasons therefor to the Committee at its next meeting.

97. *Contract improperly executed not to be binding on the Committee.*—If any contract is executed by or on behalf of the Committee otherwise than in conformity with the provisions of this Chapter, it shall not be binding on the Committee.

## CHAPTER VI.

### DUTIES AND DISCRETIONARY FUNCTIONS OF THE COMMITTEE.

98. *Duties of the Committee.*—It shall be the duty of the Committee, so far as the funds at its disposal permit, to make reasonable provision within the Bazars for—

- (a) lighting streets and other public places;
- (b) watering streets and other public places;
- (c) cleaning streets, public places and drains, abating nuisances and removing noxious vegetation;
- (d) regulating offensive, dangerous or obnoxious trades, callings and practices;
- (e) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places;
- (f) securing or removing dangerous buildings and places;
- (g) acquiring, maintaining, changing and regulating places for the disposal of the dead;
- (h) constructing, altering and maintaining streets, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works;
- (i) planting and maintaining trees on roadsides and other public places;
- (j) providing, or arranging for a sufficient supply of, pure and wholesome water where such supply does not exist, guarding from pollution water used for human consumption, and preventing polluted water from being so used;
- (k) registering births and deaths;
- (l) establishing and maintaining a system of public vaccination;
- (m) establishing and maintaining or supporting public hospitals and dispensaries, and providing public medical relief;
- (n) establishing and maintaining primary schools;

- (o) rendering assistance in extinguishing fires, and protecting life and property when fires occur;
- (p) maintaining and developing the value of property vested in or entrusted to the management of the Committee; and
- (q) fulfilling any other obligation imposed upon it by or under this Law or any other law for the time being in force.

99. *Discretionary functions of Committee.*—The Committee may, within the Bazars, make provision for—

- (a) laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to abut on such streets;
- (b) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility;
- (c) reclaiming unhealthy localities;
- (d) furthering educational objects by measures other than the establishment and maintenance of primary schools;
- (e) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;
- (f) making a survey;
- (g) giving relief on the occurrence of local epidemics by the establishment or maintenance of relief works or otherwise;
- (h) securing or assisting to secure suitable places for the carrying on of any offensive, dangerous or obnoxious trade, calling or occupation;
- (i) establishing and maintaining a farm or other place for the disposal of sewage;
- (j) constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power works;
- (k) adopting any measure, other than a measure specified in section 98 or in the foregoing provisions of this section, likely to promote the safety, health or convenience of the inhabitants of the Bazars; or
- (l) the doing of any thing on which expenditure is declared by the Agent to the Governor General or by the Committee with the sanction of the Agent to the Governor General to be an appropriate charge on the Bazar Fund.

CHAPTER VII.

PUBLIC SAFETY AND SUPPRESSION OF GENERAL NUISANCES.

*General Nuisances.*

100. *Penalty for causing nuisance.*—(1) Whoever—

(a) in any street or other public place within the Bazars,—

- (i) is drunk and disorderly or drunk and incapable of taking care of himself; or
- (ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with intent to provoke a breach of the peace, or whereby a breach of the peace, is likely to be occasioned; or
- (iii) exposes himself, or wilfully or indecently exposes his person; or
- (iv) loiters, or begs importunately, for alms; or
- (v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or
- (vi) carries meat exposed to public view; or
- (vii) is found gaming; or
- (viii) pickets animals, or collects carts; or
- (ix) being engaged in the removal of night-soil or other offensive matter or rubbish, wilfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall, in such street or place; or
- (x) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or
- (xi) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing; or
- (xii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Law; or
- (xiii) without proper authority displaces, damages, or makes any alteration in, or otherwise interferes with, the pavement, gutter, storm-water drain, flags or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the Committee in any such street or public place, or extinguishes a public light; or

- (xiv) carries any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to public health or annoyance to passers-by or to persons dwelling in the neighbourhood; or
- (xv) carries night-soil or other offensive matter or rubbish at any hour prohibited by the Committee by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the Committee, or fails to close such cart or receptacle when in use; or
- (b) carries night-soil or other offensive matter or rubbish along any route in contravention of any prohibition made in this behalf by the Committee by public notice; or
- (c) deposits, or causes or permits to be deposited, earth or materials of any description, or any offensive matter or rubbish, in any place not intended for the purpose in any street or other public place or waste or unoccupied land under the management of the Committee; or
- (d) having charge of a corpse fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death; or
- (e) makes any grave or buries or burns any corpse in any place not set apart for such purpose; or
- (f) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming house, or assists in conducting the business of any common gaming house; or
- (g) at any time or place at which the same has been prohibited by the Committee by public or special notice, beats a drum or tom-tom, or blows a horn or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music; or
- (h) disturbs the public peace or order by singing, screaming or shouting; or
- (i) lets loose any animal so as to cause, or negligently allows any animal to cause injury, danger, alarm or annoyance to any person; or
- (j) being the occupier of any building or land in or upon which an animal dies, neglects within three hours of the death of the animal, or, if the death occurs at night, within three hours after sunrise, either—
  - (i) to report the occurrence to the President or to an officer, if any, appointed by him in this behalf, with a view to securing the removal and disposal of the carcase by the conservancy establishment; or

- (ii) to remove and dispose of the carcass in accordance with any general directions given by the Committee by public notice or any special directions given by the President or such other officer as he may by general or special order nominate for this purpose on receipt of such report as aforesaid; or
  - (k) save with the written permission of the Committee and in such manner as it may authorise, stores or uses night-soil, manure, rubbish, or any other substance emitting an offensive smell; or
  - (l) uses or permits to be used as a latrine any place not intended for that purpose,
- shall be punishable with fine which may extend to fifty rupees.
- (2) Whoever does not take reasonable means to prevent any child under the age of twelve years being in his charge from easing himself in any street or other public place in the Bazars shall be punishable with fine which may extend to twenty-five rupees.
- (3) The owner or keeper of any animal found picketed or straying without a keeper in a street or other public place in the Bazars shall be punishable with fine which may extend to twenty rupees.
- (4) Any animal found picketed as aforesaid may be removed by any officer or servant of the Committee or by any police officer to a pound as if the animal had been found straying.

### *Dogs.*

101. *Registration and control of dogs.*—(1) The Committee may make bye-laws to provide for the registration of all dogs kept within the Bazars.

(2) Such bye-laws shall—

- (a) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof;
- (b) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and
- (c) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week,

and may provide for such other matters as the Committee thinks fit.



## (3) The Committee may—

- (a) cause to be destroyed, or to be confined, for such period as it may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;
- (b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed, and cause them to be destroyed accordingly.

(4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

(5) Whoever, being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any street without being muzzled and without being secured by a chain lead in any case in which—

- (a) he knows that the dog is likely to annoy or intimidate any person, or
- (b) the Committee has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles or chain leads,

shall be punishable with fine which may extend to one hundred rupees.

## (6) Whoever in the Bazars—

- (a) allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or
- (b) sets on or urges any dog or other animal to attack, worry or intimidate any person, or
- (c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the President or such other officer as he may by general or special order nominate for this purpose, or gives information which is false,

shall be punishable with fine which may extend to two hundred rupees.

*Traffic.*

102. *Rule of the road.*—Whoever in driving, leading or propelling a vehicle along a street fails, except in a case of actual necessity,—

- (a) to keep to the left when passing a vehicle coming from the opposite direction, or

(b) to keep to the right when passing a vehicle going in the same direction as himself,

shall be punishable with fine which may extend to fifty rupees.

*Prevention of Fire, etc.*

103. *Use of inflammable materials for building purposes.*—(1) The Committee may, by public notice, direct that, within such limits in the Bazar as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without the permission in writing of the Committee, be made or renewed of grass, mats, leaves or other inflammable materials, and may, by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed.

(2) The Committee may, by notice in writing, require the owner of any building in the Bazars which has an external roof or wall made of any such material as aforesaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was made with the consent of the Committee or before the issue of such public notice:

Provided that, in the case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the Committee, the Committee shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

104. *Stacking or collecting inflammable materials.*—The Committee may, by public notice, prohibit in any case where such prohibition appears to it to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place in the Bazars, or within any limits therein, which may be specified in the notice.

105. *Care of naked lights.*—No person shall set a naked light on or near any building in any street or other public place in the Bazars in such manner as to cause danger of fire:

Provided that nothing in this section shall be deemed to prohibit the use, subject to the permission in writing of the Committee, of lights for purposes of illumination on the occasion of a festival or public or private entertainment.

106. *Regulation of cinematographs and dramatic performances.*—(1) Notwithstanding anything contained in the Cinematograph Act, 1918,

no exhibition of pictures or other optical effects by means of a cinematograph or other like apparatus for the purpose of which inflammable films are used, and no public dramatic performance or pantomime, shall be given in the Bazars elsewhere than in premises for which a licence has been granted by the Committee under this section.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes any part in any public dramatic performance or pantomime, in contravention of the provisions of this section, or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any licence granted under this section, he shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to fifty rupees for each day after the first during which the offence continues.

107. *Discharging fireworks, firearms, etc.*—Whoever in the Bazars discharges any firearm or lets off fire-works or fire-balloons, or engages in any game in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property, shall be liable to fine which may extend to fifty rupees.

108. *Power to require buildings, wells, etc., to be rendered safe.*—Where in the Bazars any building or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression or excavation, or any bank or tree, is, in the opinion of the Committee, in a ruinous state, or, for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Committee may, by notice in writing, require the owner thereof either to remove the same or to repair, protect or enclose the same in such manner as it thinks necessary; and if the danger is, in the opinion of the Committee, imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

109. *Enclosure of waste land used for improper purposes.*—The Committee may, by notice in writing, require the owner or part owner, or person claiming to be the owner or part owner, of any building or land in the Bazars, or the lessee or the person claiming to be the lessee of any such land, which by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

## CHAPTER VIII.

### SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE.

#### *Sanitary Authorities.*

110. *General duties of Health Officer.*—(1) The Health Officer shall exercise a general sanitary supervision over the Bazars, and shall submit monthly to the Committee a report as to the sanitary condition of the Bazars, together with such recommendations in connection therewith as he thinks fit.

(2) The Assistant Health Officer shall perform such duties in connection with the sanitation of the Bazars as are, subject to the control of the Committee, allotted to him by the Health Officer.

#### *Conservancy and Sanitation.*

111. *Public latrines, urinals and conservancy establishment.*—All public latrines and urinals provided or maintained by the Committee shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy establishments, and shall regularly be cleaned and kept in proper order.

112. *Power of Committee to undertake private conservancy arrangements.*—(1) On the application or with the consent of the occupier of any building or land, or, where the occupier of any building or land fails to make arrangements to the satisfaction of the Committee for the matters referred to in this section, without such consent, and after giving due notice in writing to the occupier the Committee may undertake the house scavenging of any building or land in the Bazars for such period as it thinks fit on such terms as it may prescribe in this behalf.

(2) Where the Committee has undertaken the duties referred to in this section, all matter removed in the performance of such duties shall be the property of the Committee.

(3) For the purposes of this section, "house scavenging" means the removal of filth or rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool or other common receptacle for such matter.

113. *Deposit and disposal of rubbish, etc.*—(1) The Committee shall provide or appoint, in proper and convenient situations, public receptacles, depôts or places for the temporary deposit or disposal of household rubbish, offensive matter, carcases of dead animals and sewage.

(2) The Committee may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject

to which, any matter referred to in sub-section (I) may be removed along a street or may be deposited or otherwise disposed of.

(3) All matter deposited in receptacles, dépôts or places provided or appointed under this section shall be the property of the Committee.

114. *Cesspools, receptacles for filth, etc.*—The President or such other officer as he may by general or special order nominate for this purpose may, by notice in writing,—

- (a) require any person having the control whether as owner, lessee or occupier of any land or building in the Bazars—
  - (i) to close any cesspool appertaining to the land or building which is, in the opinion of the President or such officer, a nuisance; or
  - (ii) to keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle for filth or sewage accumulating on the land or in the building; or
  - (iii) to prevent the water of any private latrine, urinal, sink or bathroom, or any other offensive matter, from soaking, draining or flowing or being put from the land or building upon any street or other public place, or into any water course or into any drain not intended for the purpose; or
  - (iv) to collect and deposit for removal by the conservancy establishment of the Committee, within such time and in such receptacle or place situated at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land; or
- (b) require any person to desist from making or altering any drain leading into a public drain; or
- (c) require any person having the control of a drain in the Bazars to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

115. *Filling up of tank, etc.*—(I) Where any well, tank, cistern, reservoir, receptacle or other place in the Bazars where water is stored or accumulates, whether within any private enclosure or not, is in such a condition as to create a nuisance or, in the opinion of the Health Officer or the Assistant Health Officer, is or is likely to be a breeding place for mosquitoes, the Committee may, by notice in writing, require the owner, lessee or occupier thereof within such period as may be specified in the notice, to fill up or cover the well, cistern, reservoir or receptacle, or to fill up the tank, or drain off or remove the water, as the case may be.

(2) The Committee may, if it thinks fit, with the previous sanction of the Agent to the Governor General, meet the whole or any portion of the expenses incurred in complying with a requisition under subsection (1).

116. *Provision of latrines, etc.*—The Committee may, by notice in writing, require the owner or lessee of any building or land in the Bazars to provide, in such manner as may be specified in the notice, any latrine, urinal, cesspool, dust-bin or other receptacle for filth, sewage, or rubbish, or any additional latrine, urinal, cesspool or other receptacle as aforesaid, which should, in its opinion, be provided for the building or land.

117. *Sanitation in factories, etc.*—Every person employing, whether on behalf of the Government or otherwise, more than ten workmen or labourers, and every person managing or having control of a market, school, theatre or other place of public resort, in the Bazars shall give notice of the fact to the Committee, and shall provide such latrines and urinals, and shall employ such number of sweepers, as the Committee thinks fit, and shall cause the latrines and urinals to be kept clean and in proper order.

118. *Private latrines.*—The Committee may, by notice in writing,—

- (a) require the owner or other person having the control of any private latrine or urinal in the Bazars not to put the same to public use; or
- (b) where any plan for the construction of private latrines or urinals has been approved by the Committee, and copies thereof may be obtained free of charge on application,—
  - (i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Health Officer and approved by him as conforming with such plan; or
  - (ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan; or
- (c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the Committee, constitutes a nuisance, to remove the latrine or urinal; or
- (d) require any person having the control whether as owner, lessee or occupier of any land or building in the Bazars—
  - (i) to have any latrines provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood; or

- (ii) to cleanse in such manner as the Committee may specify in the notice any latrine or urinal belonging to the land or building; or
- (e) require any person being the owner and having the control of any drain in the Bazars to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

119. *Removal of congested buildings.*—(1) Where it appears to the Committee that any block of buildings in the Bazars is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a sub-committee consisting of—

- (a) the President,
- (b) the Health Officer,
- (c) the Engineer, and
- (d) two non-official members of the Committee.

(2) The sub-committee shall make a report in writing to the Committee regarding the sanitary condition of the block and, if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the buildings or of the neighbourhood or otherwise to endanger the public health, it shall clearly indicate on a plan verified by the Engineer the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the Committee is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them :

Provided that the Committee shall make compensation to the owners for any buildings so removed which may have been erected under proper authority :

Provided, further, that the Committee may, if it considers it equitable in the circumstances so to do, pay to the owners such sum as it thinks fit as compensation for any buildings so removed which have not been erected under proper authority.

(4) For the purposes of this section ' buildings ' includes walls and fences appertaining to buildings.

120. *Overcrowding of dwelling houses.*—(1) Where it appears to the Committee that any building or part of a building in the Bazars which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part

thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice.

(2) Any person who fails, without reasonable cause, to comply with a requisition made upon him under sub-section (1) shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, to an additional fine which may extend to five rupees for every day after the first during which the failure has continued.

121. *Power to require repair or alteration of building.*—(1) Where any building in the Bazars is so ill-constructed or dilapidated as to be in the opinion of the Committee, in an insanitary state, the Committee may, by notice in writing, require the owner, within such time as may be specified in the notice, to execute such repairs or to make such alterations as it thinks necessary for the purpose of removing such defects.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted on the building to which it relates.

(3) A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

122. *Power to require building or land to be cleansed.*—(1) The President or such other officer as he may by general or special order nominate for this purpose may, by notice in writing, require the owner, lessee or occupier of any building or land in the Bazars, which appears to him to be in a filthy or insanitary state, within twenty-four hours to cleanse the same or otherwise put it in a proper state, in such manner as may be specified in the notice.

(2) If, within three months from the date of the service of a notice under sub-section (1), any building or land in respect of which the notice was issued is again in a filthy or insanitary state the owner, lessee or occupier, as the case may be, shall be punishable with fine which may extend to two hundred rupees.

123. *Power to order disuse of house.*—If the Committee is satisfied that any building or part of a building in the Bazars which is intended for or used as a dwelling place is unfit for human habitation, it may cause a notice to be posted on some conspicuous part of the building prohibiting the owner or occupier thereof from using the building or room for human habitation, or allowing it to be used, until it has been rendered fit for such use to the satisfaction of the Committee.

124. *Removal of noxious vegetation.*—The Committee may, by notice in writing, require the owner, lessee or occupier of any land in the Bazars to clear away and remove any thick or noxious vegetation or



undergrowth which appears to it to be injurious to health or offensive to persons residing in the neighbourhood. •

125. *Agriculture and irrigation.*—Where, in the opinion of the Committee, the cultivation in the Bazars of any description of crop or the use therein of any kind of manure or the irrigation of any land therein in any specified manner is likely to be injurious to the health of persons dwelling in the neighbourhood, the Committee may, by public notice, prohibit such cultivation, use or irrigation after such date as may be specified in the notice, or may, by a like notice, direct that it shall be carried out subject to such conditions as the Committee thinks fit:

Provided that if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the Committee shall, if it directs that the notice is to take effect on a date earlier than that by which the crop would ordinarily be sown or reaped, as the case may be, make compensation to all persons interested in the land or crop for the loss, if any, incurred by them respectively by reason of compliance with the notice.

#### *Burial and Burning Grounds.*

126. *Power to call for information regarding burial and burning grounds.*—The Committee may, by notice in writing, require the owner or person in charge of any burial or burning ground in the Bazars to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

127. *Permission for use of new burial or burning ground.*—(1) No place in the Bazars which has not been used as a burial or burning ground before the commencement of this Law shall be so used without the permission in writing of the Committee.

(2) Such permission may be granted subject to any conditions which the Committee thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbourhood.

128. *Power to require closing of burial or burning ground.*—(1) Where the Committee, after making or causing to be made local inquiry, is of opinion that any burial or burning ground in the Bazars has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the Agent to the Governor General, by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

(2) Where the Agent to the Governor General sanctions the issue of any notice under sub-section (1), he shall declare the conditions on which the burial or burning ground may be re-opened, and a copy of such declaration shall be annexed to the notice.

(3) Where the Agent to the Governor General sanctions the issue of any such notice, he shall require a new burial or burning ground to be provided at the expense of the Bazars Fund, or, if the community concerned is willing to provide a new burial or burning ground, the Agent to the Governor General shall require a grant to be made from the Bazars Fund towards the cost of the same.

(4) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

129. *Exemption from operation of sections 126 to 128.*—The provisions of sections 126, 127 and 128 shall not apply in the case of any burial ground which is for the time being managed by or on behalf of the Government.

130. *Removal of corpses.*—The Committee may, by public notice, prescribe routes in the Bazars by which alone corpses may be removed to burial or burning grounds.

*Prevention of Infectious or Contagious Diseases.*

131. *Obligation to give information of infectious or contagious diseases.*—Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in the Bazars whom he knows or has reason to believe to be suffering from a contagious or infectious disease, or being the owner, lessee or occupier of any building in the Bazars in which he knows that any such person is so suffering, shall, if he fails to give information, or if he gives false information, to the Committee respecting the existence of such disease, be punishable with fine which may extend to one hundred rupees:

Provided that no person shall be punishable under this section for failure to give information if he had reasonable cause to believe that the information had already been duly given:

Provided, further, that this section shall not apply in case of venereal disease where the person suffering therefrom is under specific and adequate medical treatment and is, by reason of his habits and condition of life and residence, unlikely to spread the disease.

132. *Special measures in case of outbreak of infectious or epidemic diseases.*—(1) In the event of the Bazars being visited or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Agent to the Governor General, if he thinks that the provisions of this Law or of any law for the time being in force in the Bazars are insufficient for the purpose, may—

(a) take such special measures, and

(b) by public notice, make such temporary regulations to be observed by the public or by any class or section of the

public, as he thinks necessary to prevent the outbreak or the spread of the disease.

(2) Whoever commits a breach of any temporary regulation made under sub-section (1) shall be deemed to have committed an offence under section 188 of the Indian Penal Code.

XIV of 1900.

133. *Power to require names of dairyman's customers.*—Where it is certified by a medical practitioner to the President or such other officer as he may by general or special order nominate for this purpose that the outbreak or spread of any infectious or contagious disease in the Bazars is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the President or such officer may, by notice in writing, require the dairyman, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the Bazars, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

134. *Power to require names of a washerman's customers.*—Where it is certified by the Health Officer to the President or such other officer as he may by general or special order nominate for this purpose that it is desirable, with a view to prevent the spread of any infectious or contagious disease in the Bazars, that the Health Officer should be furnished with a list of the customers of any washerman, the President or such officer may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Health Officer with a full and complete list of the names and addresses of all owners within the Bazars of clothes and other articles which the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

135. *Report after inspection of dairy or washerman's place of business.*—Where, after inspection, the Health Officer is of opinion that any infectious or contagious disease is caused or is likely to arise in the Bazars from the consumption of the milk supplied from a dairy or from the washing of clothes or other articles in any place, or from any process employed by a washerman, he shall report the matter to the President or such other officer as the President may by general or special order nominate for this purpose.

136. *Action on report submitted by Health Officer.*—Upon receipt of a report submitted by the Health Officer under section 135, the President or such other officer as he may by general or special order nominate for this purpose may, by notice in writing,—

(a) prohibit the supply of milk from the dairy until the notice has been withdrawn; or

(b) prohibit the washerman from washing clothes or other articles in any such place or by any such process as aforesaid until

the notice has been withdrawn or unless he uses such place in such manner, or washes by such process, as the President or such officer may direct in the notice.

137. *Examination of milk or washed clothes.*—The Health Officer may take possession of any milk, clothes or other articles which are or have recently been in the possession of any dairyman on whom a notice has been served under section 133, or of any clothes or other articles which are or have recently been in the possession of any washerman on whom a notice has been served under section 134, and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the Committee shall pay from the Bazars Fund all the costs of the process and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable.

138. *Contamination of public conveyance.*—Whoever in the Bazars—

- (a) uses a public conveyance while suffering from an infectious or contagious disease, or
- (b) uses a public conveyance for the carriage of a person who is suffering from any such disease, or
- (c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

shall be bound to take proper precaution against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver, or person in charge of the conveyance, and further to report without delay to the President or such other officer as he may by general or special order nominate for this purpose the number of the conveyance and the name of the person so notified.

139. *Disinfection of public conveyance.*—(1) Where any person suffering from, or the corpse of any person who has died from, an infectious or contagious disease has been carried in a public conveyance which ordinarily plies in the Bazars, the driver thereof shall forthwith report the fact to the President or such other officer as he may by general or special order nominate for this purpose, who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(2) No such conveyance shall again be brought into use until the President or such officer has granted a certificate stating that it can be used without risk of infection.

140. *Penalty for failure to report.*—Whoever fails to make to the President or any officer any report which he is required to make by section 138 or section 139 shall be punishable with fine which may extend to one hundred rupees.

141. *Driver of conveyance not bound to carry person suffering from infectious or contagious disease.*—Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of the Bazars any person suffering from an infectious or contagious disease or the corpse of any person who has died from such disease until he has been paid or tendered a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

142. *Disinfection of building or articles therein.*—Where the Committee is, upon the advice of the Health Officer, of opinion that the cleansing and disinfection of any building or part of a building in the Bazars or of any articles in any such building or part which are likely to retain infection, or the renewal of the flooring of any such building or part of such building, would tend to prevent or check the spread of any infectious or contagious disease, it may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as the case may be, or to renew the said flooring within such time as may be specified in the notice:

Provided that where, in the opinion of the Committee, the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the Committee may, at the expense of the Bazars Fund, cleanse and disinfect the building, part or articles, or, as the case may be, renew the flooring.

143. *Destruction of infectious hut or shed.*—(1) Where the destruction of any hut or shed in the Bazars is, in the opinion of the Committee, necessary to prevent the spread of any infectious or contagious disease, the Committee may, by notice in writing, require the owner to destroy the hut or shed and the materials thereof in such manner and within such time as may be specified in the notice.

(2) Where the President is satisfied that the destruction of any hut or shed in the Bazars is immediately necessary for the purpose of preventing the spread of any infectious or contagious disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith or may himself cause it to be destroyed after giving not less than two hours' notice to the owner or occupier thereof.

(3) The Committee shall pay compensation to the owner of any hut or shed destroyed under this section.

144. *Temporary shelter for inmates of disinfected or destroyed building or shed.*—The Committee shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disease has appeared who have been compelled to leave their dwelling by reason of any proceedings taken under section 142 or section 143, and who desire such shelter or accommodation as aforesaid to be provided for them.

145. *Disinfection of building before letting the same.*—(1) Where in the Bazars any building or part of a building is intended to be let in which any person has, within the six weeks immediately preceding, been suffering from an infectious or contagious disease, the person letting the building or part shall before doing so disinfect the same in such manner as the Committee may, by public or special notice, direct, together with all articles therein liable to retain infection.

(2) For the purposes of this section, the keeper of an hotel, lodging house or serai shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

146. *Disposal of infected article without disinfection.*—No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any infectious or contagious disease and is likely to be used in the Bazars.

147. *Means of disinfection.*—(1) The Committee shall—

- (a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;
- (b) cause conveyances, clothing or other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as it may fix.

(2) The Committee may notify places at which articles of clothing, bedding, conveyances or other articles which have been exposed to infection shall be washed, and, if it does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(3) The President may direct the destruction of any clothing, bedding or other article in the Bazars likely to retain infection, and may give such compensation as he thinks fit for any article so destroyed.

148. *Making or selling of food, etc., or washing clothes by infected person.*—Whoever, while suffering from, or in circumstances in which he is likely to spread, any infectious or contagious disease,—

- (a) makes, carries or offers for sale in the Bazars or takes any part in the business of making, carrying or offering for sale therein any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

- (b) takes any part in the business of the washing or carrying of clothes,

shall be punishable with fine which may extend to one hundred rupees.

149. *Power to restrict or prohibit the sale of food or drink.*—When the Bazars are visited or threatened by an outbreak of any infectious or contagious disease, the Committee may, by public notice, restrict in such manner or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of the flesh of any description of animals so specified.

150. *Control over well, tanks, etc.*—(1) If the Committee is of opinion that the water in any well, tank or other place is likely, if used for drinking, to engender, or cause the spread of, any disease, it may—

- (a) by public notice, prohibit the removal or use of such water for drinking; or
- (b) by notice in writing, require the owner or person having control of such well, tank, or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or
- (c) take such other steps as it may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of the Bazars or any part thereof being visited or threatened by an outbreak of any infectious or contagious disease, the Health Officer or any person authorised by him in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking, and may further take such steps as he thinks fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

151. *Disposal of infectious corpse.*—Where any person has died in the Bazars from any infectious or contagious disease, the President or such other officer as he may by general or special order nominate for this purpose may, by notice in writing,—

- (a) require any person having charge of the corpse to convey the same to a mortuary, thereafter to be disposed of in accordance with law; or
- (b) prohibit the removal of the corpse from the place where death occurred except for the purpose of being buried or burned or of being conveyed to a mortuary.

#### *Control of Traffic for Hygienic Purposes.*

152. *Routes for pilgrims and others.*—(1) The Committee may provide or prescribe suitable routes for the use of persons passing through the Bazars—

- (a) on their way to or from fairs or places of pilgrimage or other places of public resort; or

- (b) during times when an infectious or contagious disease is prevalent;

and may, by public notice, require such persons as aforesaid to use such routes and no others.

(2) All routes provided or prescribed under sub-section (1) shall be clearly and sufficiently indicated by the Committee.

*Special Conditions regarding Essential Services.*

153. *Conditions of service of sweepers.*—(1) Whoever, being a sweeper employed by the Committee, in the absence of a written contract authorising him so to do and without reasonable cause, resigns his employment or absents himself from his duty without having given one month's notice to the Committee, or neglects or refuses to perform his duties or any of them, shall be punishable with imprisonment which may extend to one month, or to a fine which may extend to ten rupees.

(2) The Agent to the Governor General may, by notification, direct that on and from such date as may be specified in the notification the provisions of this section shall apply in the case of any specified class of servants employed by the Committee whose functions intimately concern the public health or safety.

(3) For the purpose of this section "sweeper" includes any menial servant employed by the Committee in the removal or disposal of filth or rubbish.

## CHAPTER IX.

### CONTROL OVER BUILDINGS, STREETS, BOUNDARIES, TAXES, ETC.

#### *Buildings.*

154. *Notice of new buildings.*—(1) Whoever intends to erect or re-erect any building in the Bazars shall give notice in writing of his intention to the President who shall submit the case for the orders of the Agent to the Governor General.

(2) For the purposes of this Law a person shall be deemed to erect or re-erect a building who—

(a) makes any material alteration or enlargement of any building,  
or

(b) converts into a place for human habitation any building not originally constructed for that purpose; or

(c) converts into more than one place for human habitation a building originally constructed as one such place, or



- (d) converts two or more places of human habitation into a greater number of such places, or
- (e) converts into a stable, cattle shed or cow house any building originally constructed for human habitation, or
- (f) makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene, or
- (g) makes any alteration to any building which increases or diminishes the height of, or area covered by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Law.

155. *Conditions of valid notice.*—(1) A person giving the notice required by section 154 shall specify the purpose for which it is intended to use the building to which such notice relates.

(2) No notice shall be valid until the information required under subsection (1) and any further information and plans which may be required under bye-laws made under this Law have been furnished to the satisfaction of the President along with the notice.

156. *Power to sanction or refuse sanction.*—(1) The Agent to the Governor General may order the President either to refuse to sanction the erection or re-erection, as the case may be, of the building, or to sanction it either absolutely or subject to such directions as the Agent to the Governor General thinks fit to make in writing in respect of all or any of the following matters, namely:—

- (a) the purposes for which the building may be used and the maximum number of inhabitants which may be permitted to reside therein;
- (b) the free passage or way to be left in front of the buildings;
- (c) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire;
- (d) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist;
- (e) the provision and position of drains, latrines, urinals, cess-pools or other receptacles for filth;
- (f) the level and width of the foundation, the level of the lowest floor and the stability of the structure;
- (g) the line of frontage with neighbouring buildings if the building abuts on a street;

- (h) the means to be provided for egress from the building in case of fire;
- (i) the materials and method of construction to be used for external and party walls for rooms, floors, fire places, and chimneys;
- (j) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on; and
- (k) any other matter affecting the ventilation and sanitation of the buildings;

and the person erecting or re-erecting the building shall obey all such written directions in every particular.

(2) If the Agent to the Governor General orders the President to refuse to sanction the erection or re-erection of the building, he shall cause the President to communicate in writing the reasons for such refusal to the person by whom the notice was given.

(3) When the President neglects or omits, for one month after the receipt of a valid notice, to make and deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter, by a written communication sent by registered post to the President, calls the attention of the President to the neglect or omission, then if such neglect or omission continues for a further period of fifteen days from the date of such communication, the President shall be deemed to have given sanction to the erection or re-erection, as the case may be, unconditionally.

(4) The Agent to the Governor General may order the President to refuse to sanction the erection or re-erection of any building either on grounds affecting the particular building or in pursuance of a general scheme restricting the erection or re-erection of buildings within specified limits for the prevention of overcrowding or in the interests of persons residing within such limits or for any other public purpose, or in order to prevent the increase of the population of the Bazars.

157. *Compensation.*—(1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the President of sanction to the erection of any building or in respect of any direction issued by him under sub-section (1) of section 156.

(2) The Committee shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or its requiring any land belonging to him to be added to the street:

Provided that the Committee shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building

or part of a building, which for a period of three years or more immediately preceding such refusal has not been in existence or has been unfit for human habitation.

158. *Lapse of sanction.*—Every sanction for the erection or re-erection of a building given or deemed to have been given by the President as hereinbefore provided shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or someone lawfully claiming under him within that period, it shall not thereafter be begun without fresh sanction obtained in the manner hereinbefore provided.

159. *Illegal erection and re-erection.*—Whoever begins, continues or completes the erection or re-erection of a building—

(a) without having given a valid notice as required by sections 154 and 155 or before the building has been sanctioned or is deemed to have been sanctioned, or

(b) without complying with any direction made under sub-section (1) of section 156, or

(c) when sanction has been refused, or has ceased to be available, shall be punishable with fine which may extend to five hundred rupees.

160. *Power to stop erection or re-erection or to demolish.*—The President may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the Bazars to stop the erection or re-erection of a building in any case in which he considers that such erection or re-erection is an offence under section 159, and may in any such case in like manner direct the alteration or demolition, as he thinks necessary, of the building, or any part thereof, so erected or re-erected:

Provided that the President may, instead of requiring the alteration or demolition of any such building or part thereof, accept, by way of composition, such sum as he thinks reasonable.

161. *Power to make bye-laws.*—The Committee may make bye-laws prescribing—

(a) the manner in which notice of the intention to erect or re-erect a building in the Bazars shall be given and the information and plans to be furnished with the notice;

(b) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in any specified area or areas;

(c) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected; and

(d) the fees payable on provision by the Committee of plans or specifications of the type of building which may be erected in the Bazars or any part thereof.

162. *Projections and obstructions.*—(1) No owner or occupier of any building in the Bazars shall, without the permission in writing of the Committee, add to or place against or in front of the building any projection or structure over-hanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein.

(2) The Committee may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid :

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Law, the Committee shall make compensation for any damage caused by the removal or alteration.

163. *Unauthorised buildings over drains, etc.*—The Committee may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any building over any public sewer, drain, culvert, water course or water pipe to pull down or otherwise deal with the same as it thinks fit.

164. *Drainage and sewer connections.*—(1) The Committee may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as the Committee thinks fit, to put up and keep in good condition proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such building or land and any drain or sewer.

(2) For the purpose of draining efficiently any building or land in the Bazars, the Committee may, by notice in writing, require the owner or lessee of the building or land—

(a) to pave, with such materials and in such manner as it thinks fit, any courtyard, alley or passage between two or more buildings; or

(b) to keep any such paving in proper repair.

165. *Power to attach brackets for lamps.*—The Committee may attach to the outside of any building, or to any tree in the Bazars, brackets for lamps in such manner as not to occasion injury thereto or inconvenience.

#### *Streets.*

166. *Temporary occupation of street, land, etc.*—The Committee may, by order in writing permit the temporary occupation of any street or land vested in the Committee for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of the public, and may charge a fee for such permission and may in its discretion withdraw such permission.

167. *Closing and opening of streets.*—(1) The Committee shall not permanently close any street or open any new street without the previous sanction of the Agent to the Governor General.

(2) The Committee may, by public notice, temporarily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water supply or lighting or any other work which it is by or under this Law required or permitted to carry out:

Provided that where, owing to any works or repairs or from any other cause, the condition of any street or of any waterworks, drain, culvert or premises vested in the Committee is such as to be likely to cause danger to the public, the Committee shall—

- (a) take all reasonable means for the protection of the adjacent buildings and land and provide reasonable means of access thereto;
- (b) cause sufficient barriers or fences to be erected for the security of life and property, and cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

168. *Names of streets and numbers of buildings.*—(1) The Committee may cause a name to be given to any street and to be affixed on any building in the Bazars in such place as it thinks fit, and may also cause a number to be affixed to any such building.

(2) Whoever destroys, pulls down, defaces or alters any such name or number or puts up any name or number differing from that put up by the order of the Committee shall be punishable with fine which may extend to twenty rupees.

#### *Boundaries and Trees.*

169. *Boundary walls, hedges and fences.*—(1) No boundary wall, hedge or fence of any material or description shall be erected without the permission in writing of the Committee.

(2) The Committee may, by notice in writing, require the owner or lessee of any land in the Bazars—

- (a) to remove from the land any boundary wall, hedge or fence, which is, in its opinion, unsuitable, unsightly or otherwise objectionable; or
- (b) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice; or
- (c) to maintain the boundary walls, hedges or fences of such land in good order:

Provided that, in the case of any such boundary wall, hedge or fence which was erected with the consent of or under the order of the Committee, or which was lawfully in existence at the commencement of this Law, the Committee shall make compensation for any damage caused by, the removal thereof.

(3) The Committee may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

170. *Felling, lopping and trimming of trees.*—(1) Where, in the opinion of the Committee, the felling of any tree of mature growth standing in a private enclosure in the Bazars is necessary for any reason, the Committee may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

(2) The Committee may—

(a) cause to be lopped or trimmed any tree standing on land in the Bazars which belongs to the Government; or

(b) by public notice require all owners, lessees or occupiers of land in the Bazars or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

171. *Digging of public land.*—Whoever, without the permission in writing of the Committee, digs up the surface of any open space in the Bazars which is not private property shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

172. *Improper use of land.*—(1) If, in the opinion of the Committee, the working of a quarry in the Bazars or the removal of stone, earth or other material from the soil in any place in the Bazars is dangerous to persons residing in or frequenting the neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, the Committee may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such making or removal from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as the Committee may direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

(2) If, in any case referred to in sub-section (1), the Committee is of opinion that such a course is necessary in order to prevent imminent danger, it may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

## CHAPTER X.

## MARKETS, SLAUGHTER-HOUSES, TRADES AND OCCUPATIONS.

173. *Public markets and slaughter-houses.*—(1) The Committee may provide and maintain public markets and public slaughter-houses to such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) The Committee may at any time, by public notice, close any public market or public slaughter-house or any part thereof.

174. *Use of public markets.*—(1) No person shall, without the general or special permission in writing of the Committee, sell or expose for sale any animal or article in any public market.

(2) Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the President or such other officer as he may by general or special order nominate for this purpose or any officer or servant of the Committee authorized by it in this behalf.

175. *Levy of stallages, rents and fees.*—The Committee may—

(a) charge for the occupation or use of any stall, shop, standing, shed or pen in a public market or public slaughter-house, or for the right to expose goods for sale in a public market, or for weighing or measuring goods sold therein, or for the right to slaughter animals in any public slaughter-house, such stallages, rents and fees as it thinks fit; or

(b) with the sanction of the Agent to the Governor General farm the stallages, rents and fees leviable as aforesaid or any portion thereof for any period not exceeding one year at a time; or

(c) put up to public auction or, with the sanction of the Agent to the Governor General, dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a public market or public slaughter-house for such term and on such conditions as it thinks fit.

176. *Stallages, rents, etc., to be published.*—A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws made under this Law for the purpose of regulating the use of such market or slaughter-house, printed in

the English language and in such other language or languages as the Committee may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

177. *Private markets and slaughter-houses.*—(1) No place in the Bazars other than a public market shall be used as a market, and no place in the Bazars other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaughter-house, as the case may be, by the Committee.

(2) Nothing in sub-section (1) shall be deemed to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the President with the previous sanction of the District Magistrate may, by public or special notice, impose in this behalf.

(3) Whoever omits to comply with any condition imposed by the President under sub-section (2) shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, with an additional fine which may extend to ten rupees for every day after the first during which the offence is continued.

178. *Conditions of grant of licence for private market or slaughter-house.*—(1) The Committee may charge such fees as it thinks fit to impose for the grant of a licence to any person to open a private market or private slaughter-house in the Bazars, and may grant such licence subject to such conditions, consistent with this Law and any bye-laws made thereunder, as it thinks fit to impose.

(2) The Committee may refuse to grant any such licence without giving reasons for such refusal.

179. *Penalty for keeping market or slaughter-house open without licence, etc.*—(1) Any person who keeps open for public use any market or slaughter-house in respect of which a licence is required by or under this Law without obtaining a licence therefor, or while the licence therefor is suspended, or after the same has been cancelled, shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence is continued.

(2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the Committee shall cause a notice of the grant, refusal, suspension or cancellation to be posted in English, and in such other language or languages as it thinks necessary, in some conspicuous place by or near the entrance to the place to which the notice relates.

180. *Penalty for using unlicensed market or slaughter-house.*—Whoever, knowing that any market or slaughter-house has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Law or that the licence granted



therefor is for the time being suspended or that it has been cancelled, sells or exposes for sale any article in such market, or slaughters any animal in such slaughter-house, shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence is continued.

181. *Prohibition and restriction of use of slaughter-house.*—(1) Where, in the opinion of the Committee, it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for such period, not exceeding one month, as may be specified in the notice, or for such further period, not exceeding one month, as it may specify by a like notice, the use of any private slaughter-house specified in the notice or the slaughter therein of any animal of any description so specified.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in the slaughter-house to which it relates.

182. *Power to inspect slaughter-houses.*—(1) Any servant of the Committee, authorised by order in writing in this behalf by the President or the Health Officer, may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of this Chapter, enter into and inspect any such place at any time, whether by day or by night.

(2) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.

183. *Power to make bye-laws.*—The Committee may, with the approval of the Agent to the Governor General, make bye-laws consistent with this Law to provide for all or any of the following matters, namely:—

- (a) the days on, and the hours during which any private market or private slaughter-house may be kept open for use;
- (b) the regulation of the design, ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof;
- (c) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;
- (d) the manner in which animals shall be stalled at a slaughter-house;
- (e) the manner in which animals may be slaughtered;

- (f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption; and
- (g) the destruction of carcases which from disease or any other cause are found after slaughter to be unfit for human consumption.

*Trades and Occupations.*

184. *Provision of washing places.*—(1) The Committee may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use thereof as it thinks fit.

(2) Where the Committee has provided such places as aforesaid, it may, by public notice, prohibit the washing of clothes by washermen at any other place in the Bazars:

Provided that such prohibition shall not be deemed to apply to the washing by a washerman of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

(3) Whoever contravenes any prohibition contained in a notice issued under sub-section (2) shall be punishable with fine which may extend to twenty rupees.

185. *Licences required for carrying on of certain occupations.*—(1) No person of any of the following classes, namely:—

- (a) butchers and vendors of poultry, game or fish;
- (b) persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered in India;
- (c) persons keeping milch cattle or milch goats for profit;
- (d) persons keeping for profit any animals other than pigs, milch cattle or milch goats;
- (e) dairymen, buttermen and makers and vendors of ghee;
- (f) makers of bread, biscuits or cake and vendors of bread, biscuits or cake made in India;
- (g) vendors of fruit or vegetables;
- (h) manufacturers of aerated or other potable waters or of ice or ice-cream, and vendors of the same;
- (i) vendors of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters or ice or ice-cream), which are of a perishable nature;
- (j) vendors of water to be used for drinking purposes;
- (k) washermen;

- (l) dealers in hay, straw, wood, charcoal or other inflammable material;
- (m) dealers in fire-works, kerosine oil, petroleum or any other inflammable oil or spirit;
- (n) tanners and dyers;
- (o) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;
- (p) vendors of wheat, rice and other grain or of flour; and
- (q) makers and vendors of sugar or sweetmeats,

shall carry on his trade, calling or occupation in any part of the Bazars unless he has applied for and obtained a licence in this behalf from the Committee:

Provided that the Committee may with the approval of the Agent to the Governor General exempt any of these classes from the operation of this section.

(2) A licence granted under sub-section (1) shall be valid for one year.

(3) Notwithstanding anything contained in sub-section (1), no person who was at the commencement of this Law carrying on his trade, calling or occupation in any part of the Bazars shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the Committee not less than three months' notice in writing of his obligation to do so, and, if the Committee refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal.

(4) The Committee may charge for the grant of licences under this section such fees as it may fix with the previous sanction of the Agent to the Governor General.

186. *Conditions which may be attached to licences.*—A licence granted to any person under section 185 shall specify the part of the Bazars in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the Bazars of any specified articles intended for human consumption, and may contain any other conditions which the Committee thinks fit to impose in accordance with bye-laws made under this Law.

#### *General Provisions.*

187. *Power to vary licence.*—If the Committee is satisfied that any place used under a licence granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property, the Committee may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions or

improvements as will, in the opinion of the Committee, render it no longer a nuisance or dangerous.

188. *Carrying on trade, etc., without licence or in contravention of section 187.*—Whoever carries on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever, after receiving a notice under section 187, uses or allows to be used any building or place in contravention thereof, shall be punishable with fine which may extend to two hundred rupees and, in the case of a continuing offence, with an additional fine which may extend to forty rupees for every day after the first during which the offence is continued.

189. *Feeding animals on dirt, etc.*—Whoever feeds or allows to be fed on filthy or deleterious substances any animal which is kept for the purpose of supplying milk to, or which is intended to be used as food for, the inhabitants of the Bazars, or allows it to graze in any place in which grazing has for sanitary reasons been prohibited by public notice by the Committee, shall be punishable with fine which may extend to fifty rupees.

*Entry, Inspection and Seizure.*

190. *Powers of entry and seizure.*—(1) The President or the Vice-President of the Committee, the Health Officer, the Assistant Health Officer or any other officer or servant of the Committee authorized by it in writing in this behalf—

(a) may at any time enter into any market, building, shop, stall or other place in the Bazars for the purpose of inspecting, and may inspect, any animal, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article or thing and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein;

(b) may seize any such animal, article or thing which appears to him to be diseased or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be.

(2) Any article seized under sub-section (1) which is of a perishable nature may, under the orders of the Health Officer or the Assistant

Health Officer, forthwith be destroyed if in his opinion it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub-section (1) shall, if it is not destroyed under sub-section (2), be taken before a Magistrate.

(4) The owner or person in possession, at the time of seizure under sub-section (1), of any animal or carcass which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine, as the case may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (b) of sub-section (1), shall be punishable with fine which may extend to one hundred rupees, and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the Committee or to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

*Explanation I.*—If any such article, having been exposed or stored in, or brought to, any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this section, to be an article which is not what it is represented to be.

*Explanation II.*—Meat subjected to the process of blowing shall be deemed to be unfit for human food.

*Explanation III.*—The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health: Provided that—

- (a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drink or conceal the inferior quality thereof, or
- (b) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or
- (c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added, or
- (d) such owner or person has purchased the article with a written warranty that it was of a certain nature, substance and

quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

*Import of Cattle and Flesh.*

191. *Import of cattle and flesh.*—(1) No person shall, without the permission in writing of the Committee, bring into the Bazars any animal intended for human consumption, or the flesh of any animal slaughtered outside the Bazars.

(2) Any animal or flesh brought into the Bazars in contravention of sub-section (1) may be seized by the President or by any servant of the Committee and sold or otherwise disposed of as the Committee may direct, and, if it is sold, the sale proceeds may be credited to the Bazars Fund.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat or to animals driven or meat carried through the Bazars for consumption outside thereof, or to meat brought into the Bazars by any person for his immediate domestic consumption :

Provided that the Committee may by public notice direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

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CHAPTER XI.

WATER SUPPLY, DRAINAGE AND LIGHTING.

*Water Supply.*

192. *Maintenance of water supply.*—(1) The Committee shall provide or arrange for the provision of a sufficient supply of pure water for domestic use.

(2) The Committee shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year, and that the water shall be at all times pure and fit for human consumption.

193. *Control over sources of public water-supply.*—(1) The Committee may, with the previous sanction of the Agent to the Governor General, by public notice, declare any lake, stream, spring, well, tank, reservoir or other source within the Bazars from which water is or may be made

available for the use of the public in the Bazars to be a source of public water-supply.

(2) Every such source shall be under the control of the Committee.

194. *Power to require maintenance or closing of private source of public drinking water-supply.*—The Committee may, by notice in writing, require the owner or any person having the control of any source of public water-supply which is used for drinking purposes—

- (a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying vegetation, or
- (b) to protect the same from contamination in such manner as the Committee may direct, or
- (c) if the water therein is proved to the satisfaction of the Committee to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water:

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Committee for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the Committee shall undertake the control and supervision of the well.

195. *Supply of water.*—(1) The Committee may permit the owner, lessee or occupier of any building or land to connect the building or land with a source of public water-supply by means of communication pipes of such size and description as it may prescribe for the purpose of obtaining water for domestic use.

(2) All water supplied under this section shall be paid for at such rate as the Committee may fix.

(3) The supply of water for domestic use shall not be deemed to include any supply—

- (a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;
- (b) for any trade, manufacture or business;
- (c) for fountains, swimming baths or any ornamental or mechanical purpose;
- (d) for gardens or for purposes of irrigation;
- (e) for making or watering roads or paths; or
- (f) for building purposes.

196. *Power to require water-supply to be taken.*—If it appears to the Committee that any building or land in the Bazars is without a proper supply of pure water, the Committee may, by notice in writing, require

the owner, lessee or occupier of the building or land to obtain from a source of public water-supply such quantity of water as is adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description, and to take all necessary steps for the above purposes.

197. *Supply of water under agreement.*—(1) The Committee may, by agreement, supply, from any source of public water-supply, the owner, lessee or occupier of any building or land in the Bazars with any water for any purpose, other than a domestic purpose, on such terms and conditions, consistent with this Law and the rules and bye-laws made thereunder, as may be agreed upon between the Committee and such owner, lessee or occupier.

(2) The Committee may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the Bazars.

198. *Committee not liable for failure of supply.*—Notwithstanding any obligation imposed on the Committee under this Law, the Committee shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof if the failure or curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless, in the case of an agreement for the supply of water under section 197, the Committee has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

199. *Conditions of universal application.*—Notwithstanding anything hereinbefore contained or contained in any agreement under section 197, the supply of water by the Committee to any building or land shall be, and shall be deemed to have been, granted subject to the following conditions, namely:—

- (a) the owner, lessee or occupier of any building or land in or on which water supplied by the Committee is wasted by reason of the pipes, drains or other works being out of repair shall, if he has knowledge thereof, gives notice of the same to such officer as the Committee may appoint in this behalf;
- (b) the President or such other officer as he may by general or special order nominate for this purpose, or any other officer or servant of the Committee authorised by it in writing in this behalf, may enter into or on any premises supplied with water by the Committee for the purpose of examining any pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;



- (o) the Committee may, after giving notice in writing, cut off the connection between any source of public water-supply and any building or land to which water is supplied for any purpose therefrom or turn off such supply if—
- (i) the owner or occupier of the building or land neglects to pay the charges connected with the water supply within one month from the date on which such charges fall due for payment;
- (ii) the occupier refuses to admit the President or any officer nominated by him or any authorised officer or servant of the Committee into the building or land for the purpose of making any examination or inquiry authorised by clause (b) or prevents the making of such examination or inquiry;
- (iii) the occupier wilfully or negligently misuses or causes waste of water;
- (iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap conveying water from the water-works;
- (v) any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination by the President or such other officer as he may by general or special order nominate for this purpose, to be out of repair to such an extent as to cause a waste of water;
- (d) the expense of cutting off the connection or of turning off the water in any case referred to in clause (o) shall be paid by the owner or occupier of the building or land;
- (e) no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may otherwise have incurred.

200. *Supply to persons outside the Bazars.*—The Committee may allow any person not residing within the limits of the Bazars to take or be supplied with water for any purpose from any source of public water-supply on such terms as it may prescribe, and may at any time withdraw or curtail such supply.

201. *Penalty.*—Whoever—

- (a) uses for other than domestic purposes any water supplied by the Committee for domestic use, or
  - (b) where water is supplied by agreement with the Committee for a specified purpose, uses that water for any other purpose,
- shall be punishable with fine which may extend to fifty rupees, and the Committee shall be entitled to recover from him the price of the water misused.

*Water, Drainage and other Connections.*

202. *Power of the Committee to lay wires, connections, etc.*—The Committee may carry any cable, wire, pipe, drain, sewer or channel of any kind for the purpose of carrying out, establishing or maintaining any system of water-supply, lighting, drainage or sewerage through, across, under or over any road or street, or any place laid out or intended as a road or street, in the Bazars or, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, in the Bazars and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used :

Provided that no nuisance shall be caused in excess of what is reasonably necessary for the proper execution of the work :

Provided further, that compensation shall be payable to the owner or occupier for any damage sustained by him which is directly occasioned by the carrying out of any such operation.

203. *Wires, etc., laid above surface of ground.*—In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and compensation shall be payable by the Committee in respect of any substantial interference with the right to any such enjoyment.

204. *Connection with main not to be made without permission.*—No person shall, for any purpose whatsoever, without the permission of the Committee, at any time make or cause to be made any connection or communication with any cable, wire, pipe, drain, sewer or channel constructed or maintained by, or vested in, the Committee.

205. *Power to establish meters, etc.*—The Committee may establish meters or other appliances for the purpose of testing the quantity of any water supplied to any premises by the Committee.

206. *Power of inspection.*—The communication pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith leading from water mains or from pipes, drains, sewers or channels into any house or land to which water is supplied by the Committee, and the pipes, fittings and works inside any such house or within the limits of any such land, shall in all cases be installed or executed subject to the inspection and to the satisfaction of the Committee.

207. *Power to fix rates and charges.*—The Committee may fix the charges to be made for the establishment by them or through their

agency of communications from, and connections with, mains or pipes for the supply of water, or for meters or other appliances for testing the quantity thereof supplied, and may levy such charges accordingly.

## CHAPTER XII.

### *Removal and Exclusion from the Bazars and Suppression of Sexual Immorality.*

208. *Power to remove brothels and prostitutes.*—The President may, on receiving information that any building in the Bazars is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of the information received, summon the owner, lessee, tenant or occupier of the building to appear before him either in person or by an authorised agent, and, if the President is then satisfied as to the truth of the information, he may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

209. *Penalty for loitering and importuning for purposes of prostitution.*—(1) Whoever in the Bazars loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred rupees.

(2) No prosecution for an offence under this section shall be instituted except on the complaint of a person importuned or of a police officer not below the rank of sub-inspector.

210. *Removal of lewd person from the Bazars.*—If the President is, after such inquiry as he thinks necessary, satisfied that any person residing in or frequenting the Bazars is a prostitute or has been convicted of an offence under section 209 or of the abetment of such an offence, he may cause to be served on such person an order in writing requiring such person to remove from the Bazars within such time as may be specified in the order, and prohibiting such person from re-entering them without the permission in writing of the President.

211. *Removal and exclusion from the Bazars of disorderly persons.*—(1) A Magistrate of the first class on receiving information that any person residing in or frequenting the Bazars—

(a) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents a common gaming house, a disorderly drinking shop or a disorderly house of any other description, or

(b) has been convicted more than once, either within the Bazars or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code, or

of 1898.

- (c) has been ordered under Chapter VIII of the Criminal Procedure Code, 1898, either within the Bazars or elsewhere, to execute a bond for his good behaviour,

may record in writing the substance of the information received, and may issue a summons to such person requiring such person to appear and show cause why he should not be required to remove from the Bazars and be prohibited from re-entering them.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of the record aforesaid, and the copy shall be served along with the summons on the person against whom the summons is issued.

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if upon such inquiry it appears to him that such person is a person of any kind described in sub-section (1) and that it is necessary for the maintenance of good order in the Bazars that such person should be required to remove therefrom and be prohibited from re-entering the Bazars, the Magistrate shall report the matter to the Agent to the Governor General and, if the Agent to the Governor General so directs, shall cause to be served on such person an order in writing requiring him to remove from the Bazars within such time as may be specified in the order and prohibiting him from re-entering them without the permission in writing of the Agent to the Governor General.

212. *General power of removal and exclusion from the Bazars.*—The Agent to the Governor General, if he thinks it expedient to exclude any person from the Bazars, may with or without assigning any reason therefor, send to a Magistrate of the first class an order in writing to that effect, and the Magistrate shall cause a copy of the order to be served on the person, together with a notice in writing requiring him to remove from the Bazars within a time to be specified in the notice, and prohibiting him from re-entering them without the permission in writing of the Agent to the Governor General:

Provided that no such order as aforesaid shall be made where the only reason for making it is that the person—

- (i) is disorderly, or
- (ii) has been convicted of an offence punishable under Chapter XVII of the Indian Penal Code, or
- (iii) has been ordered under Chapter VIII of the Criminal Procedure Code, 1898, to execute a bond for his good behaviour.

of 1890.

1898.

213. *Penalty.*—Whoever—

- (a) fails to comply with an order issued under this Chapter within the period specified therein, or, whilst an order prohibit-

ing him from re-entering the Bazars without permission is in force, re-enters the Bazars without such permission, or

- (b) knowing that any person has under this Chapter been required to remove from the Bazars and has not obtained the requisite permission to re-enter them, harbours or conceals such person in the Bazars,

shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the offence.

### CHAPTER XIII.

#### POWERS, PROCEDURE, PENALTIES AND APPEALS.

##### *Entry and Inspection.*

214. *Powers of entry.*—It shall be lawful for the President or the Vice-President of the Committee or the Health Officer or Assistant Health Officer, or any person specially authorised by the Health Officer or the Assistant Health Officer, or any other person authorised by general or special order of the Committee in this behalf, to enter into or upon any building or land with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Law or which it is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Law or of any rule, bye-law or order made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 182 or section 190 or to authorise the conferment upon any person of any such power.

215. *Power of inspection by member of the Committee.*—With the previous sanction of the President, any member of the Committee may inspect any work or institution constructed or maintained, in whole or part, at the expense of the Committee, and any register, book, accounts or other document belonging to, or in the possession of, the Committee.

216. *Power of inspection, etc.*—(1) The Committee may, by general or special order, authorise any person—

- (a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the Bazars, and, in his discretion, to cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

- (b) to examine works under construction in the Bazars, to take levels or to remove, test examine, replace or read any meter.

(2) If on such inspection the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the Committee.

217. *Power to enter land adjoining land where work is in progress.*—

(1) The President or such other officer as he may by general or special order nominate for this purpose may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Law for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.

(2) The President or such officer shall, before entering on any land under sub-section (1), give the occupier or, if there is no occupier, the owner not less than three days previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.

(3) The President or such officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Committee to the owner or occupier of such land, or to both, for any such damage, whether permanent or temporary.

218. *Breaking into premises.*—It shall be lawful for any person authorised by or under this Law to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or, being present, refuses to open such door, gate or barrier.

219. *Entry to be made in the day time.*—Save as otherwise expressly provided in this Law, no entry authorised by or under this Law shall be made except between the hours of sunrise and sunset.

220. *Owner's consent ordinarily to be obtained.*—Save as otherwise expressly provided in this Law, no building or land shall be entered without the consent of the occupier or, if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said

occupier or owner, as the case may be, not less than four hours' written notice of the intention to make such entry :

Provided that no such notice shall be necessary if the place to be inspected is a stable for horses or a shed for cattle or a latrine, privy or urinal, or a work under construction.

221. *Regard to be had to social and religious usages.*—When any place used as a human dwelling is entered under this Law, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

222. *Penalty for obstruction.*—Whoever obstructs or molests any person employed by the Committee, who is not a public servant within the meaning of section 21 of the Indian Penal Code, or any person with whom the Committee has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Law or of any rule, bye-law or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to one hundred rupees.

#### *Powers and Duties of Police Officers.*

223. *Arrest without warrant.*—Any member of the Police force employed in the Bazars may without a warrant arrest any person committing in his view a breach of any of the provisions of this Law which are specified in Schedule IV :

Provided that—

- (a) in the case of any breach of any such provision as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and
- (b) no person shall be arrested for an offence under section 209 except—
  - (i) at the request of a person importuned or
  - (ii) by or at the request of any police officer not below the rank of sub-inspector.

224. *Duty of police officers.*—It shall be the duty of all police officers to give immediate information to the Committee of the commission of

any offence against the provisions of this Law or of any rule or bye-law made thereunder, and to assist all officers and servants of the Committee in the exercise of their lawful authority.

*Notices.*

225. *Notices to fix reasonable time.*—Where any notice, order or requisition made under this Law or any rule or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Law or in the rule or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

226. *Authentication and validity of notice issued by the Committee.*—Every notice, order or requisition issued by the Committee under this Law or any rule or bye-law made thereunder shall be signed—

- (a) by the President or such other officer as he may by general or special order nominate for this purpose; or
- (b) by the members of any sub-committee especially authorised by the Committee in this behalf.

227. *Service of notice, etc.*—(1) Every notice, order or requisition issued under this Law or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented—

- (a) by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended or
- (b) if such person cannot be found, by affixing the notice, order or requisition on some conspicuous part of his last known place of abode or business, if within the Bazars, or by giving or tendering the notice, order or requisition to some adult male member or servant of his family, or by causing it to be affixed on some conspicuous part of the building or land, if any, to which it relates.

(2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either—

- (a) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier or, if there are more owners, lessees or occupiers than one, on any one of them; or
- (b) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorised agent, if any, of any such owner, lessee or occupier, or to an



adult male member or servant of the family of any such owner, lessee or occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.

(3) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

**228. Method of giving notice.**—Every notice which, by or under this Law, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the Committee, or in such other public place, during such period, or is published in such local newspaper or in such other manner, as the Committee may direct.

**229. Powers of the Committee in cases of non-compliance with notice, etc.**—In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Law, or any rule or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the Committee, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be recoverable by the Committee.

### *Recovery of Money.*

**230. Liability of occupier to pay in default of owner.**—(1) If any such notice as is referred to in section 229 has been given to any person in respect of property of which he is the owner, the Committee may require any occupier of such property or of any part thereof to pay to it, instead of to the owner, any rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 229:

Provided that, if the occupier, on application made to him by the Committee, refuses truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the Committee may recover from the occupier the whole amount recoverable under section 229.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1) shall, in the absence of any contract between the

owner and the occupier to the contrary, be deemed to have been paid to the owner.

231. *Relief to agents and trustees.*—(1) Where any person, by reason of his receiving the rent of immoveable property as an agent or trustee, or of his being as an agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Law be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling an agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any agent or trustee has claimed and established his right to relief under this section, the Committee may, by notice in writing, require him to apply to the discharge of such obligation as aforesaid the first monies which may come into his hands on behalf or for the use of the owner, and, on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

232. *Method of recovery.*—All money recoverable by the Committee under this Law shall, save as otherwise expressly provided, be recoverable either by suit or, on application to a Magistrate, by the distress and sale of the property of the person from whom it is recoverable, and, if payable by the owner of any property as such, it shall, until it is paid, be a charge on the property.

### *Committees of Arbitration.*

233. *Application for a Committee of Arbitration.*—In the event of any disagreement as to the liability of the Committee to pay any compensation under this Law, or as to the amount of any compensation so payable, the person claiming such compensation may apply to the Committee for the reference of the matter to a Committee of Arbitration, and the Committee shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute.

234. *Procedure for convening Committee of Arbitration.*—When a Committee of Arbitration is to be convened, the Bazars Committee shall cause a public notice to be published stating the matter to be determined, and shall forthwith send copies of the order to the Agent to the Governor General and to the other party concerned and shall, as soon as may be, nominate such members of the Committee of Arbitration as it is entitled to nominate under section 235 and, by notice in writing, call upon the other party to nominate members of the Committee of Arbitration in accordance with the provisions of that section.

235. *Constitution of Committee of Arbitration.*—(1) Every Committee of Arbitration shall consist of five members, namely:—

- (a) a Chairman who shall be a person not in the service of the Government or the Bazars Committee and who shall be nominated by the Agent to the Governor General;
- (b) two persons nominated by the Bazars Committee; and
- (c) two persons nominated by the other party concerned, who shall be persons liable to pay taxes in the Bazars and ordinarily resident therein.

(2) If the Bazars Committee or the other party concerned fails within seven days of the date of issue of the notice referred to in section 234 to make any nomination which it or he is entitled to make or, if any member who has been so nominated neglects or refuses to act and the Bazars Committee or other party by whom such member was nominated fails to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the Agent to the Governor General, the Agent to the Governor General shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

236. *No person to be nominated who has direct interest or whose services are not immediately available.*—(1) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of such Committee, shall be nominated a member of a Committee of Arbitration.

(2) If, in the opinion of the Agent to the Governor General, any person who has been nominated has a direct interest in the matter under reference or is otherwise disqualified for nomination, or if the services of any such person are not immediately available as aforesaid, and if the Bazars Committee or other party by whom any such person was nominated fails to nominate another member within seven days from the date on which it or he may be called upon to do so by the Agent to the Governor General, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 235.

237. *Meetings and powers of Committee of Arbitration.*—(1) When a Committee of Arbitration has been duly constituted, the Bazars Committee shall, by notice in writing, inform each of the members of the fact, and the Committee of Arbitration shall meet as soon as may be thereafter.

(2) The Chairman of the Committee of Arbitration shall fix the time and place of meetings, and shall have power to adjourn any meeting from time to time as may be necessary.

(3) The Committee of Arbitration shall receive and record evidence, and shall have power to administer oaths to witnesses, and, on request,

tion in writing signed by the Chairman of the Committee of Arbitration, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee of Arbitration, and may enforce the said processes as if they were processes for attendance or production before himself.

238. *Decisions of Committee of Arbitration.*—(1) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the Chairman and at least three other members are present.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the Chairman shall prevail.

(3) The decision of a Committee of Arbitration shall be final and shall not be questioned in any Court.

#### *Prosecutions.*

239. *Prosecutions.*—Save as otherwise expressly provided in this Law, no Court shall proceed to the trial of any offence made punishable by or under this Law, other than an offence specified in Schedule IV, except on the complaint of, or upon information received from, the Committee or a person authorised by the Committee by a general or special order in this behalf.

240. *Composition of offences.*—(1) The Committee or any person authorised by it by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Law other than an offence under Chapter XIII:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Committee, unless and until the same has been complied with in so far as compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no other proceedings shall be taken against him in respect of the offence so compounded.

#### *General Penalty Provisions.*

241. *General penalty.*—Whoever, in any case in which a penalty is not expressly provided by this Law, fails to comply with any notice, order, or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Law, shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

242. *Cancellation and suspension of licences.*—Where any person to whom a licence has been granted under this Law, or any agent or servant of such person, commits a breach of any of the conditions thereof or of any bye-law made under this Law for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such licence is to be or may be done, the Committee may, without prejudice to any other penalty which may have been incurred under this Law, by order in writing, cancel the licence or suspend it for such period as it thinks fit:

Provided that no such order shall be made until an opportunity has been given to the holder of the licence to show cause why it should not be made.

243. *Recovery of amount payable in respect of damage to Bazars property.*—Where any person has incurred a penalty by reason of having caused any damage to the property of the Committee, he shall be liable to make good such damage and the amount payable in respect of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and, on non-payment of such amount on demand, the same shall be recovered by distress and sale of the moveable property of such person, and the Magistrate shall issue a warrant for its recovery accordingly.

#### *Limitation.*

244. *Limitation for prosecution.*—No Court shall try any person for an offence made punishable by or under this Law after the expiry of six months from the date of the commission of the offence unless complaint in respect of the offence has been made to a Magistrate within the six months aforesaid.

#### *Suits.*

245. *Protection of Committee, etc.*—No suit or prosecution shall be entertained in any Court against the Committee or any member, officer or servant of the Committee for anything in good faith done or intended to be done under this Law or any rule or bye-law made thereunder.

246. *Notice to be given of suits.*—(1) No suit shall be instituted against the Committee or against any member, officer or servant of the Committee in respect of any act done, or purporting to have been done, in pursuance of this Law or of any rule or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the office of the Committee and, in the case of such member, officer or servant, unless notice in writing has also been delivered to him or left at his office or place of abode, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of com-

pensation claimed, and the name and place of abode of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered or left.

(2) If the Committee, member, officer or servant has, before the suit is instituted, tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.

(3) No suit such as is described in sub-section (1) shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

### *Appeals and Revision.*

247. *Appeals.*—(1) Any person aggrieved by any order described in the second column of Schedule V may appeal to the authority specified in that behalf in the third column thereof.

(2) No such appeal shall be admitted if it is made after the expiry of the period specified in that behalf in the fourth column of the said Schedule.

(3) The period specified as aforesaid shall be computed in accordance with the provisions of the Indian Limitation Act, 1908, with respect to the computation of periods of limitation thereunder.

IX of 1908.

248. *Petition of appeal.*—(1) Every appeal under section 247 shall be made by petition in writing accompanied by a copy of the order appealed against.

(2) Any such petition may be presented to the authority which made the order against which the appeal is made, and that authority shall be bound to forward it to the appellate authority and may attach thereto any report which it may desire to make by way of explanation.

249. *Suspension of action pending appeal.*—On the admission of an appeal from an order, other than an order contained in a notice issued under clause (a) of section 118, section 121, or section 211, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

250. *Revision.*—(1) When an appeal from an order made by the Committee has been disposed of by the District Magistrate, the Committee may, within thirty days from the date thereof, apply to the Agent to the Governor General for a revision of the decision.

(2) The provisions of this Chapter with respect to appeals shall apply, as far as may be, to applications for revision made under this section.

251. *Finality of appellate orders.*—Save as otherwise provided in section 250, every order of an appellate authority shall be final.

252. *Right of appellant to be heard.*—No appeal shall be decided under this Chapter unless the appellant has been heard or has had a reasonable opportunity of being heard in person or through a legal practitioner.

## CHAPTER XIV.

### RULES AND BYE-LAWS.

253. *Power to make Rules.*—(1) The Agent to the Governor General may make rules to carry out the purposes and objects of this Law.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which, and the authority to which, application for permission to occupy land in the Bazars is to be made;
- (b) the authority by which such permission may be granted and the conditions to be annexed to the grant of any such permission;
- (c) the appointment, control, supervision, suspension, removal, dismissal and punishment of servants of the Committee;
- (d) the circumstances in which security shall be demanded from servants of the Committee and the amount and nature of such security;
- (e) the grant of leave, absentee or acting allowance to servants of the Committee;
- (f) the creation and management of provident funds, and the circumstances in which, and the conditions subject to which, contributions thereto shall be made from the Bazars Fund and by servants of the Committee;
- (g) the keeping of accounts by the Committee and the manner in which such accounts shall be audited and published;

- (h) the definition of the persons by whom and the manner in which money may be paid out of the Bazars Fund;
- (i) the preparation of estimates of income and expenditure by the Committee and the definition of the persons by whom and the conditions subject to which such estimates may be sanctioned;
- (j) the regulation of the procedure of Committees of Arbitration; and
- (k) the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Law.

254. *Publication of rules.*—All rules under section 253 shall be published in such manner as the Agent to the Governor General may direct and, on such publication, shall have effect as if enacted in this Law.

255. *Power to make bye-laws.*—Subject to the provisions of this Law and of the rules made thereunder, the Committee may in addition to any bye-laws which it is empowered to make by any other provision of this Law, make bye-laws to provide for all or any of the following matters in the Bazars, namely:—

- (i) the registration of births, deaths and marriages, and the taking of a census;
- (ii) the enforcement of compulsory vaccination;
- (iii) the regulation of the collection and recovery of taxes, tolls and fees under this Law and the refund of taxes;
- (iv) the regulation or prohibition of any description of traffic in the streets;
- (v) the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted;
- (vi) the seizure and confiscation of ownerless animals straying within the limits of the Bazars;
- (vii) the prevention and extinction of fire;
- (viii) the construction of scaffolding for building operations to secure the safety of the general public and of persons working thereon;
- (ix) the regulation in any manner not specifically provided for in this Law of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation shafts, pipes, water-closets, privies, latrines, urinals, cess-pools and other drainage works;



- 
- (a) the regulation or prohibition of the discharge into, or deposit in, drains of sewage, polluted water and other offensive or obstructive matter;
  - (ai) the regulation or prohibition of the stabling or herding of animals or of any class of animals, so as to prevent danger to public health;
  - (aia) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the Bazars Fund;
  - (aii) the permission, regulation or prohibition of the use or occupation of any street or place by itinerant vendors or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall, and the fees chargeable for such use or occupation;
  - (aiv) the regulation and control of encamping grounds, pounds, washing places, serais, hotels, dak bungalows, lodging houses, boarding houses, buildings let in tenements, residential clubs, restaurants, eating houses, cafes, refreshment rooms and places of public recreation, entertainment or resort;
  - (av) the regulation of the ventilation, lighting, cleansing, drainage and water-supply of the buildings used for the manufacture or sale of aerated or other potable waters and of butter, food, milk, sweet-meats and other articles of or drink for human consumption;
  - (avi) the matters regarding which conditions may be imposed by licences granted under section 185;
  - (avii) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;
  - (aviii) the regulation of the erection of any enclosure, fence, tent, awning or other temporary structure of whatsoever material or nature on any land situated within the Bazars;
  - (aix) the laying out of streets, and the regulation or prohibition of the erection of buildings without adequate provision being made for the laying out and location of streets;
  - (ax) the regulation of the use of public parks and gardens and other public places, and the protection of avenues, trees, grass and other appurtenances of streets and other public places;
  - (axi) the regulation of the grazing of animals;
  - (axii) the fixing and regulation of the use of public bathing and washing places;

- (xviii) the regulation of the posting of bills and advertisements, and of the position, size, type or style of name-boards, sign-boards and sign-posts;
- (xvii) the fixation of a method for the sale of articles whether by measure, weight, piece, or any other methods;
- (xvi) the rendering necessary of licences within the Bazars—
  - (a) for persons working as job porters for the conveyance of goods;
  - (b) for animals or vehicles let out on hire;
  - (c) for the proprietors or drivers of vehicles, boats or other conveyances, or of animals kept or plying for hire; or
  - (d) for persons impelling or carrying such vehicles or other conveyances.
- (xv) the prescribing of the fee payable for any licence required under clause (xvi) and of the conditions subject to which licences may be granted, revised, suspended or withdrawn;
- (xiv) the regulation of the charges to be made for the services of such job porters and of the hire of such animals, vehicles or other conveyances, and for the remuneration of persons impelling or carrying such vehicles or conveyances, as are referred to in clause (xvi);
- (xiii) the regulation or prohibition for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Law;
- (xii) the circumstances and the manner in which owners of buildings or land in the Bazars, who are temporarily absent from or are not resident in the Bazars, may be required to appoint as their agents, for all or any of the purposes of this Law or of any rule or bye-law made thereunder, persons residing within or near the Bazars;
- (xi) the prevention of the spread of infectious or contagious diseases within the Bazars;
- (x) the segregation in, or the removal and exclusion from, the Bazars, or the destruction of, animals suffering or reasonably suspected to be suffering from any infectious or contagious disease;
- (ix) the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water supply and of appliances for the distribution of water;

- (xxiii) the manner in which connections with water works may be constructed or maintained, and the agency which shall or may be employed for such construction and maintenance;
- (xxiv) the regulation of all matters and things relating to the supply and use of water, including the collection and recovery of charges therefor and the prevention of evasion of the same;
- (xxv) the maintenance of schools, and the furtherance of education generally;
- (xxvi) the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the Committee to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of land-slips or of the formation of ravines or torrents, or the protection of land against erosion or against the deposits thereon of sand, gravel, or stones;
- (xxvii) the rendering necessary of licences for the use of premises as stables or cow-houses or as accommodation for sheep, goats or fowls;
- (xxviii) the control of the use of mechanical whistles, syrens or trumpets; and
- (xxix) generally, for the regulation of the administration of the Bazars under this Law.

256. *Penalty for breach of bye-law.*—Any bye-law made by the Committee under this Law may provide that a contravention thereof shall be punishable—

- (a) with fine which may extend to one hundred rupees; or
- (b) with fine which may extend to one hundred rupees and, in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention; or
- (c) with fine which may extend to ten rupees for every day during which the contravention continues after the receipt of a notice from the Committee by the person contravening the bye-law requiring such person to discontinue such contravention.

257. *Supplemental provisions regarding bye-laws.*—(1) Any power to make bye-laws conferred by this Law is conferred subject to the condition of the bye-laws being made after previous publication and of

their not taking effect until they have been approved and confirmed by the Agent to the Governor General and published in such manner as he may direct.

(2) The Agent to the Governor General in confirming any bye-law may make any change therein which appears to him to be necessary.

(3) The Agent to the Governor General may, after previous publication of his intention, cancel any bye-law which he has confirmed, and thereupon the bye-law shall cease to have effect.

258. *Rules and bye-laws to be available for inspection and purchase.*—(1) A copy of all rules and bye-laws made under this Law shall be kept at the office of the Committee and shall, during office hours, be open free of charge to inspection by any inhabitant of the Bazars.

(2) Copies of all such rules and bye-laws shall be kept at the office of the Committee for sale to the public.

## CHAPTER XV.

### SUPPLEMENTAL PROVISIONS.

259. *Registration.*—(1) Paragraphs 2 and 3 of section 54, and sections 59, 107 and 123 of the Transfer of Property Act, 1882, with respect to the transfer of property by registered instrument, shall, on and from the commencement of this Law, apply to the Bazars.

(2) The Registrar of the Indore Residency Area shall, when any document relating to immoveable property within the Bazars is registered, send information of the registration to the Committee.

260. *Validity of notices and other documents.*—No notice, order, requisition, licence, permission in writing or other such document issued under this Law shall be invalid merely by reason of any defect or form.

261. *Admissibility of document or entry as evidence.*—A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of the Committee shall, if duly certified by the legal keeper thereof or other person authorised by the Committee in this behalf, be admissible in evidence of the existence of the document or entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

262. *Evidence by officer or servant of the Committee.*—No officer or servant of the Committee shall, in any legal proceedings to which the Committee is not a party, be required to produce any register or document the contents of which can be proved under section 261 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein, save by order of the Court made for special cause.

263. *Repeal.*—The Regulation for the better administration of the Indore Residency Bazars, 1904, published with the notification of the Government of India in the Foreign Department No. 2513-I-B., dated the 8th July, 1904, is hereby repealed; but all orders, declarations, rules and regulations made, directions, licences and permits given, taxes imposed and notifications published, under the said Regulation shall, as far as they are consistent with this Law, be deemed to have been respectively made, given, imposed and published hereunder.

## SCHEDULE I.

### NOTICE OF DEMAND.

(See section 73.)

To

residing at

Take notice that the Committee demands from the  
sum of due from on  
account of (here describe the property, occupation circumstances or  
thing in respect of which the sum is payable)  
leviable under for the period of com-  
mencing on the day of 19 and ending on the  
day of 19 and that if within thirty days from the ser-  
vice of this notice the said sum is not paid to the Committee at  
or sufficient cause of non-payment is not shown to the satisfaction  
of the President a warrant of distress will be issued for the recovery of  
the same with costs.

Dated this

day of

19

(Signed)

*President,  
Residency Bazars.*

## FORM OF WARRANT.

(here insert the name of the officer charged with the execution of the warrant).

Whereas \_\_\_\_\_ of \_\_\_\_\_ has not paid  
and has not shown satisfactory cause for the non-payment of the sum  
of \_\_\_\_\_ due on account of\* \_\_\_\_\_ for the period of  
\_\_\_\_\_ commencing on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ which  
sum is leviable under \_\_\_\_\_

And whereas thirty days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of the Indore Residency Bazars Law, 1929, the moveable property of the said \_\_\_\_\_ to the amount of the said sum of Rs. \_\_\_\_\_ and forthwith to certify to me together with this warrant all particulars of the property seized by you thereunder.

Dated this                      day of                      19 .

**(Signed)**

***President,  
Residency Bazaars.***

## FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE.

**(See section 75.)**

To  
residing at

Take notice that I have this day seized the property specified in the inventory annexed hereto for the value of \_\_\_\_\_ due for the liability+ mentioned in the margin for the period commencing with the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and ending with the \_\_\_\_\_

\* Here describe the liability.  
† Here describe the liability.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

(Signature of Officer executing the warrant.)

### CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT.

**Subject.**

3

100 (1) (a) (i) . . Drunkenness, etc.  
148 . . . . Making or selling of food, etc., or washing of clothes,  
by infected persons.

100	(1)	(a)	(ii)	Using threatening or abusive words, etc.
100	(1)	(a)	(iii)	Indecent exposure of persons, etc.
100	(1)	(a)	(iv)	Begging.
100	(1)	(a)	(v)	Exposing deformity, etc.
100	(1)	(a)	(vi)	Gaming.
100	(1)	(a)	(vii)	Destroying notice, etc.
100	(1)	(a)	(viii)	Breaking direction-post, etc.
100	(1)	(f)		Keeping common gaming-house, etc.
100	(1)	(g)		Beating drum, etc.
100	(1)	(h)		Singing, etc., so as to disturb public peace or order.
101	(d)			Letting loose, or setting on, ferocious dog.
107				Discharging fire-arms, etc., so as to cause danger.
168	(s)			Destroying, etc., name of street or number affixed to building.
189				Feeding animal on filth, etc.
209				Loitering or importuning for sexual immorality.
213	(a)			Remaining in, or returning to, the Bazaar after notice of expulsion.

SCHEDULE V.

APPEALS FROM ORDERS.

(See section 247.)

Section.	Executive Order.	—	Time allowed for appeal.
1	2	3	4
108	Committee's notice to repair, protect, or enclose a building wall, or anything affixed thereto or well, tank, reservoir, pool, depression or excavation.	Agent to the Governor General.	30 days from service of notice.
115	Committee's notice to fill up well, tank, etc., or to drain off or remove water.	Ditto.	Ditto.
118	Committee's notice to provide sufficient drainage, etc.	Ditto.	15 days from service of notice.
121	Committee's notice requiring a building to be repaired or altered so as to remove sanitary defects	Ditto.	30 days from service of notice.
160	President's notice to alter or demolish a building.	Ditto.	Ditto.
163	Committee's notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water-course or water-pipe.	Ditto.	Ditto.
181	Committee's notice prohibiting or restricting the use of a slaughter-house.	Ditto.	21 days from service of notice.
211	Magistrate's notice directing disorderly person to remove from Bazars and prohibiting him from re-entering it without permission.	District Magistrate.	30 days from service of notice.









## VII.—Orders relating to Courts.

### CRIMINAL.

*Provision for execution of capital sentences in British India.*

*No. 1431-I., dated the 27th April, 1893.*—Printed in Appendix XIX.

*Criminal law and procedure of British India applicable to British subjects.*

*No. 1863-I. A., dated the 13th May, 1904.*—Printed in Appendix IV.

*High Court at Bombay to exercise jurisdiction over European British subjects.*

*No. 580-D., dated the 26th January, 1917.*—Printed in Appendix IV.

*Justices of the Peace to commit for trial to the High Court having Jurisdiction.*

*No. 582-D., dated the 26th January, 1917.*—Printed in Appendix IV.

*Justices of the Peace invested with powers of Magistrates of the first class, and to hold inquests.*

*No. 319-D., dated the 16th January, 1917.*—Printed in Appendix IV.

*Appointment of Justices of the Peace.*

*No. 2313-I., dated the 13th August, 1883.* } —Printed, *supra*,  
*No. 2760-I., dated the 18th September, 1883.* } p. 13.

*Criminal Courts, High Court.*

*No. 2381-I. B., dated the 16th November, 1912.*—Printed, *supra*, p. 68.

*Court of Session and District Magistrate.*

*No. 1628-B., dated the 16th November, 1912.*—Printed, *supra*, p. 68.

*Additional District Magistrate.*

*No. 364-B., dated the 14th February, 1927.*—In exercise of the powers conferred by section 10, sub-section (2) of the Code of Criminal Procedure 1898 (V of 1898), as applied to the Administered Areas in Central India, the Agent to the Governor General in Central India is pleased:—

- (1) to appoint the Under Secretary to the Agent to the Governor General in Central India being a Magistrate of the 1st

Class, to be an Additional District Magistrate for the Indore Residency Bazars, and

- (2) to direct that the said Additional District Magistrate shall have the following powers of a District Magistrate under the said Code and the Police Act, 1861 (V of 1861) as applied to the said Areas, namely:—

- (a) The ordinary powers of a Sub-Divisional Magistrate.
- (b) Power to try juvenile offenders, section 29-B., Criminal Procedure Code.
- (c) Power to dispose of unclaimed property, sections 25, 26 and 27 of the Police Act.

[*Gazette of India*, 1927, Pt. II-A, p. 117.]

#### *Other Criminal Courts.*

*No. 1629-B., dated the 16th November, 1912.*—In exercise of the powers conferred by sections 12 and 37 of the Code of Criminal Procedure, 1898, as applied to the Administered Areas in Central India by the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2365-I. B., dated the 14th November, 1912, the Agent to the Governor General in Central India is pleased—

- (a) to appoint the Second Assistant and the Extra Assistant to the Agent to the Governor General to be Magistrates of the first class in the Indore Residency Bazars and to empower them to try in a summary way the offences enumerated in section 260 of the said Code;
- (b) to invest the Second Assistant to the Agent to the Governor General with power to require security for good behaviour under section 110 of the said Code; and
- (c) to appoint the Residency Surgeon and Superintendent of the Central Jail at Indore to be a Magistrate of the second class and to exercise all ordinary powers as such within the Central Jail.

II.

[*Gazette of India*, 1912, Pt. II, p. 1795.]

*Officers to whom notice of appeal is to be given.*

*No. 222-B., dated the 4th February, 1928.*—Printed, *supra*, p. 70.

<sup>1</sup> See now Notification No. 202-I., dated the 24th April, 1929. Printed, *supra*, p. 23.

<sup>2</sup> Notification cancelled.

*Central India (Administered Areas) Legal Practitioners Rules, 1923.*

No. 1015—1052-I., dated the 25th June, 1923.—Printed, *supra*, p. 55.

*Mode of whipping.*

No. 220-B., dated the 10th February, 1919.—Printed, *supra*, p. 72.

*Lunatics to be sent to asylum at Nagpur.*

No. 2190-I. B., dated the 18th July, 1918.—Printed, *supra*, p. 184.

*Payment of expenses of complainants and witnesses in Criminal Courts.*

No. 913-B., dated the 4th May, 1928.—Printed, *supra*, p. 72.

CIVIL.

*Civil Courts.*

No. 164-I., dated the 2nd March, 1928.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notifications of the Government of India in the Foreign and Political Department Nos. 1494-I. and 818-D., dated the 14th May 1885 and 17th December, 1914, respectively, the Governor General in Council is pleased to provide as follows for the administration of civil justice within the Indore Residency Bazars:—

1. There shall be a District Court within the meaning of the Code of Civil Procedure, 1908 (Act V of 1908), as applied to the said Bazars, presided over by a District Judge appointed by the Agent to the Governor General in Central India, with jurisdiction extending, subject to the provisions contained in the said Code, to all original suits and proceedings of a civil nature.

2. The Agent to the Governor General in Central India may, from time to time, appoint an Additional Judge.

Such Additional Judge shall perform such of the duties of a Judge as the District Judge may with the sanction of the Agent to the Governor General in Central India assign to him; and in the performance of such duties he shall exercise the same powers as the District Judge.

3. The Agent to the Governor General in Central India may also, from time to time, appoint one or more Subordinate Judges or Munsiff<sup>1</sup>

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<sup>1</sup> For appointment of Munsiff (by name) see Notification No. 3025-B., dated the 2nd October, 1928, *Gazette of India*, 1928, Pt. II-A, p. 325, as amended by Notification No. 900-B., dated the 8th April, 1929, *Gazette of India*, 1929, Pt. II-A, p. 153.

who shall have power to hear or determine any suits or original proceedings of such value as the Agent to the Governor General in Central India may prescribe.

4. Appeals from the decrees and orders of the District Judge, an Additional Judge or a Subordinate Judge or Munsiff shall, when such appeals are allowed by law, lie to the Secretary to the Agent to the Governor General in Central India or to such other officer as may be appointed by the Agent to the Governor General in Central India.

5. Appeals from the decrees and orders of the Secretary to the Agent to the Governor General in Central India or of such officer as may be appointed by the Agent to the Governor General in Central India under paragraph 4 shall, when such appeals are allowed by law, lie to the Agent to the Governor General in Central India, who shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of Civil Justice within the said Bazars.

[*Gazette of India*, 1928, Pt. I, p. 344.]

#### *Appointment of District Judge and Additional Judge.*

No. 571-B., dated the 20th March, 1928.—In exercise of the powers conferred by paragraphs 1 and 2 of the notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 164-I., dated the 2nd March 1928, the Agent to the Governor General in Central India is pleased (1) to appoint the Under Secretary to the Agent to the Governor General in Central India, to be a District Judge and to preside over the District Court constituted in the Indore Residency Bazars, and (2) to appoint the Treasury Officer, Indore, to be an Additional Judge in the said Bazars.

[*Gazette of India*, 1928, Pt. II-A., p. 112.]

#### *Appointment of Judge of Small Cause Court.*

No. 569-B., dated the 20th March, 1928.—In exercise of the powers conferred by section 6, sub-section (1) and section 15, sub-section (2) of the Provincial Small Cause Courts Act, 1887 (IX of 1887), as applied to the Indore Residency Bazars, and in supersession of all previous orders on the subject the Agent to the Governor General in Central India is pleased (1) to appoint the Under Secretary to the Agent to the Governor General in Central India to be a Judge of the Court of Small Causes in the said Bazars and (2) to direct that all suits of a civil nature which are cognizable by a Court of Small Causes and of which the value does not exceed Rs. 1,000 be cognizable by the said Court.

[*Gazette of India*, 1928, Pt. II-A., p. 112.]

*Appointment of Additional Judge of Small Cause Court.*

No. 570-B., dated the 20th March, 1928.—In exercise of the powers conferred by section 8, sub-section (1) of the Provincial Small Cause Courts Act, 1887 (IX of 1887), as applied to the Indore Residency Bazars, the Agent to the Governor General in Central India is pleased to appoint the Treasury Officer, Indore, to be an Additional Judge of the Court of Small Causes constituted in the said Bazars.

[*Gazette of India*, 1928, Pt. II-A., p. 112.]

*Central India (Administered Areas) Legal Practitioners Rules, 1923.*

No. 1015—1052-I., dated the 25th June, 1923.—Printed, *supra*, p. 55.

*Courts in British India empowered to send decrees<sup>1</sup> to the District Court and the Court of Small Causes in the Residency Bazars for execution.*

No. 786-I. B., dated the 9th April, 1913.—Printed in Appendix XXI-A.

*Service and execution by the Courts in the Residency Bazars of summonses and decrees—(a) of Civil or Revenue Courts in British India;<sup>2</sup> (b) of other Courts established or continued by the Governor General in Council;<sup>3</sup> (c) of certain Courts of Indian States.*

No. 322-I., dated the 15th May, 1920.—Printed in Appendix XXI-A.

*Service of summonses and execution of decrees of the Courts in the Residency Bazars<sup>4</sup> by other Courts established or continued by the Governor General in Council.*

No. 322-I., dated the 15th May, 1920.—Printed in Appendix XXI-A.

*Service of summonses and execution of decrees of the Courts in the Residency Bazars by Civil Courts of the Baroda and Mysore States.*

No. 398-I. H., dated the 25th February, 1910.—	} Printed in Appendix XXI-C.
No. 2622-I. B., dated the 24th December, 1912.—	
No. 2623-I. B., dated the 24th December, 1912.—	

<sup>1</sup> As regards summonses see Rule 26 (a) of Order V of the First Schedule of the Code of Civil Procedure, 1908, read with clause (1) of Notification No. 322-I., dated the 15th May, 1920. Printed in Appendix XXI-A.

<sup>2</sup> See also sections 29 and 48 of the Code of Civil Procedure, 1908 (V of 1908), as locally applied.

<sup>3</sup> These Courts may send their summonses and decrees to Courts in British India for service and execution, see sections 29 and 48 of the Code of Civil Procedure, 1908 (V of 1908).



546 INDORE RESIDENCY BAZARS.—(VII.—Orders relating to Courts.)

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*Reciprocal service of summonses by the Civil Courts in the Residency Bazar and Civil Courts in—(a) Kenya.*

*No. 397-I., dated the 13th August, 1924.—Printed in Appendix XXI-D.*

*(b) Persia.*

*No. 460-I., dated the 30th July, 1928.—Printed in Appendix XXI-D.*

*Remission of fees chargeable in Baroda decrees.*

*No. 2266-I. B., dated the 11th October, 1916.—Printed, supra, p. 80.*





**VIII.—Orders under Acts locally applied.**

**COURT FEES ACT, 1870.**

*Fees for serving and executing processes.*

No. 1612-B., dated the 1st August, 1923.—Printed, *supra*, p. 81.

**CATTLE TRESPASS ACT, 1871.**

*Extension of provisions of section 26 to cattle generally, and enhancement of fines.*

No. 673-B., dated the 28th May, 1914.—In exercise of the powers conferred by section 26 of the Cattle-trespass Act, 1871 (I of 1871), as applied to the Indore Residency Bazars, the Agent to the Governor General in Central India is pleased to direct, with respect to the said Bazars, that the first portion of the said section shall be read as if it had reference to cattle generally instead of to pigs only and as if the words "fifty rupees" were substituted for the words "ten rupees."

[*Gazette of India*, 1914, Pt. II, p. 1394.]

**INDIAN ARMS ACT, 1878.**

*Central India (Administered Areas) Arms Rules, 1921.*

No. 2070-G., dated the 27th December, 1921.—Printed, *supra*, p. 86.

**HACKNEY CARRIAGE ACT, 1879.**

*Rules for hackney carriages.*

No. 16-B., dated the 7th January, 1915.—Printed, *supra*, p. 115.

*Rules for bullock carts.*

No. 619-B., dated the 29th April, 1915.—Printed, *supra*, p. 124.

**NEGOTIABLE INSTRUMENTS ACT, 1881.**

*Appointment of Notaries Public.*

No. 303-B., dated the 18th June, 1915.—Printed, *supra*, p. 133.

**POLICE ACT, 1888.**

*Creation of general Police district, enrolment of Police, etc.*

No. 375-I. B., dated the 15th March, 1921.—Printed, *supra*, p. 134.

**PREVENTION OF CRUELTY TO ANIMALS ACT, 1890.**

***Indore Residency Cattle Pound to be an infirmary for animals.***

*No. 1604-B., dated the 13th August, 1925.*—In exercise of the powers conferred by sub-section (2) of section 6 of the Prevention of Cruelty to Animals Act, 1890 (XI of 1890), as applied to the Indore Residency Bazars the Agent to the Governor General in Central India is pleased to appoint the Indore Residency Cattle Pound to be an infirmary for the treatment and care of animals in respect of which offences against sub-section (1) of the said section have been committed.

[*Gazette of India*, 1925, Pt. II-A., p. 260.]

## PRISONS ACT, 1894.

### *Appointment of Inspector General of Prisons.*

*No. 976-B., dated the 28th July, 1916.*—Printed, *supra*, p. 185.

*Rule for the punishment of prison officials.*

*No. 259-B., dated the 9th February, 1928.—Printed, supra, p. 135.*

*Application of Act and Rules to subsidiary Jails at Neemuch and Sehore.*

*No. 899-B., dated the 18th July, 1916.*—Printed, *supra*, p. 136.

**EPIDEMIC DISEASES ACT, 1897.**

### Rules.

*No. 3241, dated the 22nd April, 1903.*—In exercise of the powers conferred by Notification No. 1716-A., dated the 17th April, 1903, of the Government of India in the Foreign Department, the Agent to the Governor General in Central India issues the following rules under section 2, sub-section (1), of the Epidemic Diseases Act, 1897:—

## RULES RELATING TO THE INDORE RESIDENCY BAZARS.

1. If in any house a person becomes ill or dies of a disease which is known or suspected to be plague, the owner of such house or, if the owner be non-resident, the occupier and every head of a family resident therein, shall forthwith report the occurrence of such illness or death at the nearest police station.

2. If there is, or has been, resident in any house a person who has come from any place in which plague is prevalent, the owner of such house or, if the owner be non-resident, the occupier and every head of

a family resident therein, shall report at the chief police station or kotwali (1) the illness of any person in such house, or (2) the death of any person in such house, immediately such illness is apparent or death occurs.

3. Any medical practitioner who (1) attends a case of illness in a house in which there is present a person who has come from a place where plague is prevalent, or who (2) attends in any house a case in which he has reason to believe the sick person to be infected with plague, shall forthwith report such illness to the chief police station or kotwali.

4. On receiving a report under rules 1, 2 or 3, the Officer in charge of the Police station shall immediately report the matter to the District Superintendent of Police, the Officer in charge of the Residency Bazars, and the Health Officer.

*Explanation.*—The Residency Surgeon shall be the Health Officer unless another Medical Officer is appointed by the Agent to the Governor General to be Health Officer.

5. Compulsory corpse inspection by Medical Officers should not be resorted to, but during an outbreak of plague all deaths, the cause of which cannot be determined not to be plague, should be treated as death from plague. It will be open to any persons to voluntarily submit a dead body to the examination of a medical officer if they wish to avoid the death from being treated as due to plague.

6. The owner and occupier of a house, and the head of any family resident therein, shall comply with any direction that may be issued by the Health Officer with regard to the disinfection and cleaning of a house, the disinfection or destruction of clothing and personal effects, the disposal of any corpse, the improvement of the sanitary condition of the premises and other similar matters.

7. The Health Officer shall, if he considers it necessary, himself take measures for the disinfection of a house and for the other matters referred to in the preceding rule. Should the Health Officer think it necessary and practicable to burn or otherwise destroy any non-masonry and inflammable structure, he will report the case to the Officer in charge of the Residency Bazars and act on his orders. The Officer in charge of the Residency Bazars may order the burning or destruction of any hut or other temporary structure, if disinfection cannot be satisfactorily effected.

8. The Health Officer may, with the previous sanction of the Agent to the Governor General, require the owner or occupier of any house to permit him to enter his premises and examine any person whom such Health Officer has reason to believe to be infected with plague. If the person in question be a female the examination shall, if she or her relatives so desire, be made through a female doctor, female Hospital Assistant or other female agency.

9. If on examination of a sick person in a house or other place within the limits of the Residency Bazars, the Health Officer suspects (1) that such person is infected with plague, or (2) considers that he is actually suffering from plague, the Health Officer may, if authorised on that behalf by the Agent to the Governor General, arrange for the removal of such person (1) to an observation shed, or (2) to a temporary hospital established for the purpose, and for his detention, dieting, and medical treatment therein.

10. If in any case a person removed to a temporary hospital is accompanied by a companion or attendant, the Health Officer shall require the companion or attendant to live in the immediate neighbourhood of the temporary hospital in a segregation hut or tent provided for the purpose, and to remain in such place until he receives permission from the Health Officer to depart.

11. If a person is attacked with plague while so segregated, the Health Officer shall remove such person to the temporary hospital and shall keep under observation in a segregation hut, tent, or suitable structure for a period of 10 days from the date of such removal, any companion or attendant who has been with the person attacked.

12. Upon the death of a sick person from plague the Health Officer, if authorized on that behalf by the Agent to the Governor General, may for ten days detain under observation all persons who have been in attendance, in segregation huts, tents, or suitable structures established for the purpose in the neighbourhood.

13. If plague has become prevalent in a portion of the Residency Bazars the Health Officer may, with the previous sanction of the Agent to the Governor General, direct the inhabitants of any street, *moholla*, or other locality to evacuate their houses, to remove to a temporary settlement established, as a place of segregation, at a distance from the infected quarter, and to remain in such settlement for so long as he may consider necessary. After evacuation, the Health Officer shall arrange for the thorough disinfection and cleansing of the empty premises, and shall not permit the inhabitants to return until the premises are considered free from infection.

14. A person dealt with under the foregoing rules shall comply with any direction that may be given to him by the Health Officer with regard to his removal to, and his detention and treatment in, an observation shed, temporary hospital, or place of segregation, and with respect to the disinfecting or burning of the clothing and personal effects, the disposal of any corpse, or with respect to any other similar matter: he shall not depart from any such place of detention without the permission of the Health Officer.

15. In the case of a European or Muhammadan, the body shall be buried at least six feet deep and be covered with chloride of lime. The

place of burial, if not an authorised cemetery, shall be well away from habitations and sources of water supply.

In the case of a Hindu, the body shall be completely and thoroughly burnt in an isolated locality in the presence of a responsible official.

16. All Police Officers shall give to the Health Officer such assistance as may be considered necessary in carrying out these rules.

17. Any conveyance, public or private, used for the carriage of a person, infected with plague, or suspected of being infected, shall be thoroughly disinfected and exposed to air and sunlight for three days previous to being again used, articles of furniture belonging to it likely to retain infection being destroyed.

18. A *chhapar* hut, after occupation by a person suffering from plague, should be burnt and this should also be done to the *charpai* upon which the person is carried to, or which he uses in, the hut.

19. The foregoing rules shall come into force at once, and shall remain in operation until such time as they shall be withdrawn by notification by the Agent to the Governor General.

#### ANNEXURE.

*Memorandum of instructions for the guidance of officials.*

[Not reprinted, being similar to that at p. 140, *supra*.]

[*Gazette of India*, 1903, Pt. II, p. 439.]

CODE OF CRIMINAL PROCEDURE, 1898.

See Orders relating to Courts, pages 541 to 546, *supra*.

*Rules regarding notification of residence by released convicts.*

No. 3174-B., dated the 16th October, 1928.—Printed, *supra*, p. 141.

INDIAN STAMP ACT, 1899.

*Appointment of Collector.*

No. 865-B., dated the 12th May, 1924.—Printed, *supra*, p. 143.

*Reduction and remission of duties.*

No. 2567-I. B., dated the 30th December, 1910.—Printed, *supra*, p. 144.

*Application of the Indian Stamp Rules, 1925.*

No. 42-I., dated the 13th January, 1926.—Printed, *supra*, p. 148.



PRISONERS ACT, 1900.

*Appointment of Central India Agency Jail for reception of persons sentenced to transportation.*

*No. 1056-I. B., dated the 8th June, 1915.—Printed, supra, p. 149.*

INDIAN COINAGE ACT, 1906.

*Firms and persons empowered to cut or break counterfeit coins.*

*No. 1010-C.—91-11, dated the 30th June, 1913.—Printed, supra, p. 154.*

INDIAN REGISTRATION ACT, 1908.

*Formation of district, etc:*

*No. 487-B., dated the 17th March, 1913.—Printed, supra, p. 157.*

*Rules for the remuneration of Registering Officers.*

*No. 1281-B., dated the 3rd September, 1918.—Printed, supra, p. 158.*

*Registration Rules.*

*No. 488-B., dated the 17th March, 1913.—Printed, supra, p. 159.*

*Fees.*

*No. 514-B., dated the 24th March, 1913.—Printed, supra, p. 180.*

INDIAN ELECTRICITY ACT, 1910.

*Date from which the Act shall come into force.*

*No. 77-I., dated the 4th February, 1924.—In exercise of the powers conferred by section 1 (3) of the Indian Electricity Act, 1910 (IX of 1910), as applied to the Administered Areas in Central India, the Governor General in Council is pleased to direct that the said Act shall come into force in the Indore Residency Bazars from the date of this notification.*

*[Gazette of India, 1924, Pt. I, p. 122.]*

*Rules:*

*No. 879-I. B., dated the 24th May, 1917.<sup>1</sup>—Not reprinted.*

*[Gazette of India, 1917, Pt. I, p. 944.]*

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<sup>1</sup> For revised rule 88 of the Electricity Rules see Notification No. 2872-I. B., dated the 8th May, 1919. *Gazette of India*, 1919, Pt. I, p. 978.

INDIAN LUNACY ACT, 1912.

*Areas in which reception orders may be made.*

No. 1875-B., dated the 30th September, 1913.—Printed, *supra*, p. 184.

*Courts to send Lunatics to Asylum at Nagpur.*

No. 2190-I. B., dated the 18th July, 1918.—Printed, *supra*, page 184.

WILD BIRDS AND ANIMALS PROTECTION ACT, 1912.

*Close time.*

No. 403-B., dated the 5th March, 1913.—Printed, *supra*, page 185.

CINEMATOGRAPE ACT, 1918.

*Rules.*

No. 1406-B., dated the 26th July, 1921.—Printed, *supra*, page 185.

INDIAN INCOME-TAX ACT, 1922.

*Appointment of Commissioner of Income-tax.*

No. 2321—644-Int., dated the 15th November, 1922.—Printed, *supra*, page 195.

INDIAN PAPER CURRENCY ACT, 1923.

*Currency notes other than universal notes, which are legal tender.*

No. 311-I. B., dated the 3rd February, 1921.—Printed, *supra*, page 202.

PROVIDENT FUNDS ACT, 1925.

*Application of the Act to Provident Funds of Local Authorities.*

No. 468-B., dated the 16th February, 1929.—Printed, *supra*, page 368.

INDIAN SUCCESSION ACT, 1925.

*Appointment of office for deposit of declaration.*

No. 2343-B., dated the 6th November, 1923.—Printed, *supra*, page 368.







## IX.—Orders under Local Laws.

### INDORE RESIDENCY BAZARS LAW, 1929.

#### *Indore Residency Bazars Electoral Rules.*

*No. 1018-B., dated the 20th April, 1929.*—In exercise of the powers conferred by sections 17, 20 and 21 of the Indore Residency Bazars Law, 1929,<sup>1</sup> the Agent to the Governor General in Central India is pleased to make the following rules in respect of the matters referred to in the said sections :—

#### PRELIMINARY.

1. *Short title.*—These rules may be called the Indore Residency Bazars Electoral Rules.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context—

- (a) “The Law” means the Indore Residency Bazars Law, 1929.
- (b) “Corrupt practice” means any act deemed to be a corrupt practice under the provisions of sections 171-B, 171-C, and 171-D of Chapter IX-A of the Indian Penal Code, 1860.
- (c) “Agent to the Governor General” means Agent to the Governor General in Central India.

#### RULES.

1. *Rule under section 17 (I) (a).*—For the purposes of clause (a) of sub-section (I) of section 17 of the Law, the amount is Rs. 10 per annum.

2. *Rule under section 17 (I) (b) (i) and 21 (c).*—For the purposes of clause (b) (i) of the aforesaid section and sub-section the “annual value” shall unless otherwise directed by the Agent to the Governor General be calculated in the manner laid down in section 46 of the Law and shall not be less than Rs. 40.

3. *Rule under section 17 (I) (b) (ii).*—For the purposes of clause (b) (ii) of the aforesaid section and sub-section the annual income derived by a person from a business carried on in the Bazars shall not be less than Rs. 500 and shall be calculated in the manner in which such income is calculated for the purpose of the assessment of Trade Tax.

4. *Rule under section 20.*—For the purpose of determining the qualifications of electors under section 17 of the Law—

- (i) An undivided Hindu family shall be considered as a unit, and if, as such unit, it possesses the qualifications of an

elector, the manager of the family, if not disqualified under sub-section (2) of section 17 of the Law, shall be entitled to be enrolled as an elector.

- (ii) Where a company or firm or other association or a body of trustees possesses, as such, the qualifications of an elector, it shall have the right to nominate a representative not being disqualified under sub-section (2) of section 17 to be enrolled as an elector.

**Provided—**

firstly that the manager of the undivided family or the representative so nominated shall not be entitled to be enrolled both in his personal and representative capacity, even if he may be qualified as an elector in his personal capacity, and

secondly that the enrolment of the manager or the representative so nominated does not debar the enrolment of another member of the family or company, firm, association or body if that other member possesses the qualifications set forth in sub-clause (iii) or (iv) of clause (b) of sub-section (1) of section 17 of the Law.

**5. Rules under section 21 (d).—**(i) Three months prior to the date prescribed under section 7 of the Law, the Secretary, Indore Residency Bazars Committee, shall cause to be prepared in English or in the vernacular or in both an electoral roll for each of the wards into which the Bazar is divided:

Provided that the Agent to the Governor General may relax this rule in such manner and to such extent as he may deem fit.

(ii) A person shall not be enrolled more than once in the electoral roll or rolls of the Bazars, notwithstanding that he may possess more than one of the qualifications prescribed by the Law.

(iii) In the Bazars:—

(a) a person who is entitled to enrolment and who resides within the Bazars, shall be enrolled in the electoral roll of the ward in which he resides; and

(b) a person who is entitled to enrolment and who does not reside within the Bazars shall be enrolled in the electoral roll of the ward in which he is assessed to the tax or taxes by reason of which he is entitled to enrolment, or if he is assessed to such tax or taxes in more than one ward, he shall be enrolled in the electoral roll of the ward in which his assessment is highest.

(iv) The roll shall show the serial number, name, father's or husband's name, caste, age and residence of the elector and the nature of his or her qualification.

(v) The Secretary, Indore Residency Bazars Committee, shall cause a sufficient number of copies of it to be prepared in such manner as he considers convenient.

(vi) Any person intending to stand as candidate for election in a ward shall be entitled to purchase from the Secretary, Indore Residency Bazars Committee, at a fair price one copy of the roll for that ward.

6. As soon as the roll has been prepared the Secretary, Indore Residency Bazars Committee, shall give public notice that the roll has been published and may be inspected at the Bazar Office and at such other places as the Indore Residency Bazars Committee may decide.

7. (i) To the copies of the roll a notice shall be affixed intimating that any person whose name is not on the roll and who claims to have it inserted therein and any person whose name is on the roll, and who objects to the inclusion of the name of any person in the roll, may prefer a claim or an objection in the manner and within the time specified below to the President of the Indore Residency Bazars Committee.

(ii) Such claim or objection shall be in writing and shall be delivered or sent by registered post, so as to reach the President of the Indore Residency Bazars Committee within 14 days from the date on which the roll was published. It shall be signed and verified by the claimant or objector in the manner provided for the signing and verification of pleadings in the Code of Civil Procedure, 1908.

(iii) Such claim or objection shall specify the grounds on which the right of any person to be entered in the roll is asserted or denied, the evidence which the petitioner intends to bring, the name and address of the claimant or objector, his number, if any, in the roll and in the case of an objection the name, address and the number in the roll of the person to whose entry objection is taken.

(iv) A claim or objection not lodged in the manner and within the period herein prescribed or by a person not entitled to lodge the same, shall be rejected.

(v) All claims and objections preferred to and admitted by the President shall be decided by him or under his special order by the Vice-President.

8. (i) On receipt of a claim or objection lodged in the manner herein prescribed, and by a person entitled to lodge such claim or objection, the President or Vice-President of the Indore Residency Bazars Committee, as the case may be, shall fix a date and place for hearing the same, and shall give notice of such date and place to the claimant or objector. Where objection is taken to the entry of the name of any person in the roll, a copy of the objection with a notice of the date and place for hearing shall be sent to such person. A copy of the claim or objection stating the date and place fixed for hearing shall be placed on the Bazar Office notice board. The notices issued under this sub-rule shall require



the parties concerned to produce on the date fixed for hearing any evidence, oral or documentary, on which they rely.

(ii) When any copy or notice is to be sent under clause (i) such copy or notice shall be delivered or sent by registered post to a claimant or objector to the address given in the claim or objection and to the person objected to, to the address given in the roll. A copy or notice so delivered or sent shall be deemed to have been duly served.

(iii) After hearing the evidence, if any, adduced on behalf of the parties and after such further enquiry as he may deem necessary, the President or the Vice-President shall pass an order on the claim or objection and such order shall be final. Claims and objections shall ordinarily be decided within thirty days of the publication of the electoral roll.

(iv) The record of the proceeding shall consist of the claim or objection, a note of the date and place of hearing and of the attendance of parties and witnesses and an order stating as briefly as possible the decision and the grounds therefor.

(v) Appearance by counsel shall not be permitted.

9. The Secretary, Indore Residency Bazars Committee, shall correct the rolls in accordance with such orders, if any, as may have been received under Rule 8 and (on or before the date fixed by the President of the Committee in this behalf) shall publish not less than two weeks before the date fixed for the election the rolls as amended in manuscript, in the manner prescribed for the publication of original rolls. Rolls not amended need not be published but public notice shall be given of the fact that they have not been amended.

10. *Rules under section 21 (a).*—The date of an election will be notified by the Agent to the Governor General under section 7 of the Law; the hours and places of polling for each ward shall be fixed by the President. A public notice setting forth the dates, hours and places so fixed and calling upon the electors to be in attendance shall be given by the Secretary, Indore Residency Bazars Committee, at least 14 days before the date of the election.

**NOTE.**—Under this rule there will be a polling station in each ward in which there will be a poll.

11. The President, Indore Residency Bazars Committee, shall appoint a suitable polling officer to attend on the date of election at the hours fixed for each polling station to conduct the election thereat. The election proceedings shall be supervised by the President or by such officer as he may appoint.

12. (i) The President, Indore Residency Bazars Committee, shall fix the days, hours and place for the receipt of nomination papers by the supervising officer, the latest date being not less than 7 days before the date of the election. A public notice setting forth the days, hours and

place so fixed and also the name of the supervising officer shall be given by the Secretary, Indore Residency Bazars Committee, at least 7 days before the latest date fixed for the receipt of nomination papers.

(ii) If in the case of any ward no candidate is nominated by the last day fixed for the receipt of nomination papers, the President, Indore Residency Bazars Committee, may fix a subsequent day not more than fourteen days after the day originally fixed by which nomination papers will be accepted and postpone the polling for that ward to such day as may be convenient. A public notice of the days fixed under this rule shall be given in the same manner as of the days originally fixed.

13. (i) An intending candidate for election in a ward must be nominated by at least two duly qualified electors in that ward. The nomination must be reduced to writing and signed by the proposers and the candidate in the presence of the supervising officer, who, if satisfied that the candidate and his proposers are duly qualified under the Law and the rules made thereunder, shall endorse the nomination paper with his signature with the words "duly nominated" and shall be responsible for sending it to the polling officer so as to reach that officer at least three days before the date fixed for election. The supervising officer shall also furnish a list of candidates to the Secretary, Indore Residency Bazars Committee, at least three days before the election, and the latter shall post copies of such lists at the Bazar Office and the places fixed as polling stations.

(ii) On the last day fixed for the receipt of nomination papers, the supervising officer shall declare the candidates so nominated duly elected if for each ward the number of members nominated does not exceed the number of members to be elected for that ward. If it does exceed the election shall be held in the manner laid down in these rules.

14. A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the supervising officer not less than 4 clear days before the date fixed for election. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

15. During the hours fixed for election, the polling officer shall initial in a copy of the electoral roll against the name of every elector who appears before him and desires to vote. He shall satisfy himself as to the identity of the voter and get his signature or thumb mark in the same roll against his name. The elector shall then be furnished with a voting paper containing the names of duly nominated candidates and signed by the polling officer. The elector shall put a X (cross mark) against the name of every candidate for whom he desires to vote and shall put the voting paper into the box referred to in rule 17. If the elector is illiterate the names of the candidates on the voting paper shall be read out to him and he shall be asked to state the name of every candi-

date for whom he wishes to vote and the polling officer shall put on the mark for him. The voting shall be made secretly.

16. Every elector shall be entitled to as many votes as there are members to be elected in his ward.

17. The polling officer shall be furnished with a box securely locked, the key of which shall remain with the supervising officer. The voting papers delivered under rule 15 shall be put into it through a slit at the top. At the close of the poll, the box containing the voting papers shall be delivered by the polling officer to the supervising officer, who shall open it and count the votes in the presence of any of the candidates or their agents who may desire to be present. Provided that any votes which have not been recorded in accordance with these rules shall be rejected and the supervising officer shall endorse and sign an order to this effect on the back of the voting paper.

18. The candidate or candidates at the head of the poll shall be declared elected. Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the supervising officer and the candidates or their agents who may desire to be present and in such manner as the supervising officer may determine.

19. The voting papers and the copy of the electoral roll shall, at the conclusion of the election, be sealed by the supervising officer and kept by the President, Indore Residency Bazars Committee, for a period of three months.

20. The result of the election shall be forthwith communicated to the Agent to the Governor General by the President, Indore Residency Bazars Committee, with full particulars regarding each member elected. The Agent to the Governor General shall notify the names of all elected members.

21. (1) The elected members shall elect a Vice-President of the Committee as required by section 10 of the Law.

(2) The election shall take place at a meeting of the elected members specially convened for the purpose by the President of the Committee after giving at least a week's notice. Half the total number of such members shall form a quorum and the members present shall elect the chairman for the day. If there is no quorum the meeting shall be adjourned for three days and the members present at the adjourned meeting shall, after electing a chairman, proceed to transact the business whether there is a quorum or not.

(3) No person's name shall be proposed for election unless he has expressed in writing his willingness to serve as a Vice-President and such writing has been given to the chairman of the meeting. Every

candidate for election must be nominated in writing and the nomination paper must be signed by two members as proposer and seconder.

(4) The chairman shall read out to the meeting the names of the candidates together with those of the proposers and the seconders. If there is only one candidate, he shall be declared duly elected as Vice-President. If the candidates are more than one, the members shall proceed to vote by ballot and the chairman shall declare the person who receives the majority of the votes to be duly elected. Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the chairman and in such manner as he may determine.

(5) As an elected member, the chairman shall also be entitled to vote.

(6) The result of the election shall be forthwith reported by the Chairman to the President of the Committee who shall communicate it to the Agent to the Governor General for publication.

22. *Rules under section 21 (f).*—No election of a Vice-President or a member of the Indore Residency Bazar Committee shall be called in question except by a petition presented in accordance with the provisions of these rules.

23. Such petition may be presented to the District Judge of the Indore Residency Bazars by any candidate or voter against any elected candidate within 14 days from the date on which the result of the election was notified.

24. (a) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt or illegal practice which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

(b) The petitioner may, if he so desires, in addition to calling in question the election of a returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

25. On the presentation of the petition the petitioner shall give security for such amount and within such time as the District Judge may fix.

26. (1) If the provisions of Rule 22 are not complied with, the District Judge shall dismiss the petition.

(2) Upon compliance with the provisions of Rule 22, the District Judge shall, as soon as may be, cause a copy of the petition to be served on each respondent.

(3) When in respect of any election of a candidate more petitions than one are presented, the District Judge may at his discretion enquire into the petitions either in one or more proceedings as he may think fit.

27. Subject to the other provisions of these rules, every election petition shall be enquired into by the District Judge as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits; provided that it shall only be necessary for the District Judge to make a memorandum of the substance of the evidence of any witness examined by him.

28. (1) No petition shall be withdrawn without the leave of the District Judge.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing the date for the hearing of the application shall be given to all other parties to the petition.

(4) No application for withdrawal shall be granted if the District Judge is of opinion that such application has been induced by any bargain or consideration which he considers ought not to be allowed.

(5) If the application is granted, the petitioner shall be ordered to pay the cost of the respondent theretofore incurred or such portion thereof as the District Judge may think fit.

29. A petition shall abate only on the death of the sole petitioner or of the survivor of several petitioners.

30. Where, at an enquiry into a petition, any candidate other than the elected candidate claims the seat for himself, the elected candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the elected candidate and a petition had been presented complaining of his election.

31. For purposes of enquiring into such petitions the District Judge shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters:—

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;

- (e) granting adjournments;
- (f) reception of evidence taken on affidavit; and
- (g) issuing commissions for the examination of witnesses;

and may summon and examine any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

32. Subject to the provisions of these rules, the provisions of the Evidence Act, 1872, shall be deemed to apply in all respects to an enquiry under these rules.

33. Notwithstanding anything in any law or rules having the force of law to the contrary no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

34. (a) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an enquiry upon the ground that the answer to such question will incriminate or may tend, directly or indirectly, to incriminate him, or that it will expose or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind, provided that—

- (i) no person who had recorded any vote by ballot shall be required to state for whom he has voted, and
- (ii) a witness who in the opinion of the District Judge has answered truly all questions which he has been required by him to answer, shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any Court and shall be deemed to be a full and complete defence to or upon any criminal charge arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceeding.

(b) Nothing in sub-rule (a) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

35. Any appearance, application or act before the District Judge may be made or done by the party in person or by a pleader or a recognised agent duly appointed to act on this behalf:

Provided that if the District Judge directs, any such appearance shall be made by the party in person.

36. (1) Save as hereinafter provided in this rule, if in the opinion of the District Judge—

- (a) any corrupt practice has been committed, or

- (b) the result of the election has been materially affected by any irregularity in respect of a nomination or by the improper reception or refusal of a vote or by any non-compliance with the provisions of any rule made under section 21 of the Law the election of the candidate shall be void.

(2) If the District Judge finds that any elected candidate has been guilty by an agent of any corrupt practice which does not amount to any form of bribery, other than treating as hereinafter explained, or to the procuring or abetment of personation, and if the candidate has further satisfied him that—

- (a) no corrupt practice was committed at such election by the candidate, and the corrupt practices complained of were committed contrary to the orders and without the sanction or connivance of such candidate, and
- (b) such candidate took all reasonable means for preventing the commission of corrupt practices at such election, and
- (c) the corrupt practices complained of were trivial, unimportant and of limited character, and
- (d) in all other respects the election was free from any corrupt practice on the part of such candidate, then the District Judge may find that the election of such candidate is not void.

*Explanation.*—For the purpose of this sub-rule “treating” means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, or entertainment to any person with the object, directly or indirectly of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

37. If an election is declared void under Rule 36 the District Judge may either declare that a casual vacancy has been created, or that the petitioner or any other candidate has been duly elected.

38. All casual elections held under section 7 (2) shall be held in the same manner and under the same conditions as an ordinary election.

39. The reasonable expenses incurred by any person attending to give evidence may be allowed by the District Judge to such person and shall, unless the District Judge otherwise directs, be deemed to be part of the costs.

40. (1) Costs shall be in the discretion of the District Judge who shall have full power to determine by and to whom and to what extent costs are to be paid. The District Judge may allow interest on costs at a rate not exceeding six per cent. per annum, and such interest shall be added to the costs.

(2) The fees payable by a party in respect of the fees of his adversary's pleader shall be such fees as the District Judge may allow.

41. An application for execution of an order relating to costs shall be presented to the District Judge, who shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by himself in a suit.

42. The forms given in the Schedule annexed to these rules, with such variations as the circumstances of each case may require, shall be used for the purposes therein mentioned.

## SCHEDULE.

### FORM OF NOMINATION PAPER.

*Indore Residency Bazars—Election of a member (for the Ward), to be held on the day of 19 .*

We, the undersigned, being electors enrolled in the electoral roll (for the Ward), hereby nominate son of (occupation ) residing in whose name is entered in electoral roll, as a candidate at the above election :—

Serial Number.	Name.	Father's name.	Occupation.	Address.	Number on the electoral roll.
1					
2					
3					
4					
5					

Dated this day of 19 .

Signatures.

I, the undersigned, being a person qualified for election, hereby assent to being nominated as a candidate at the above election.

Dated the day of 19

Signature.



## FORM FOR LIST OF NOMINATION.

*Indore Residency Bazars—List of persons nominated for election as members of the Indore Residency Bazars Committee, 19 .*

Name.	Description.	Abode.	Occupation.	Ward if any for which nominated.

*Form of voting paper.*

Indore Residency Bazars.

Book No.

Serial No.

Counterfoil of voting paper.

Election for Bazars member (for the  
Ward of                      ) held  
on                      192 .

Number of elector on electoral roll.

Indore Residency Bazars.

Book No.

Serial No.

Election for Basar members (for the  
Ward of                      ) held  
on                      192 .

Serial No.	Name and description of candidate for election.	Column for cross (X) of Voter.
1 . . . . .	A	...
2 . . . . .	B	...
3 . . . . .	C	...
4 . . . . .	D	...
5 . . . . .	E	...

[Agency Notification.]

*Division of the Indore Residency Bazars into wards.*

No. 1017-B., dated the 20th April, 1929.—In exercise of the powers conferred by sub-sections (a) and (b) of section 21 of the Indore Residency Bazars Law, 1929,<sup>1</sup> the Agent to the Governor General in Central

<sup>1</sup> Printed, *supra*, p. 442.

India is pleased to make the following rules regarding the division of the Indore Residency Bazars into wards, namely:—

*Rules under section 21 (a) and (b) of the Indore Residency Bazars Law, 1929.*

1. For the purposes of elections to the Indore Residency Bazars Committee, the Indore Residency Bazars shall be divided into the following five wards:—

- No. 1 Ward—Parsi Mohalla.
- No. 2 Ward—Kodianganj Mohalla.
- No. 3 Ward—Murai Mohalla.
- No. 4 Ward—Kulali Mohalla.
- No. 5 Ward—Gwal Toli Mohalla.

2. From each of the wards enumerated in the preceding rule one member shall be elected to represent it on the Indore Residency Bazars Committee.

[Agency Notification.]

*Property Tax.*

No. 9933, dated the 10th November, 1904.—In exercise of the powers conferred by section 8 (I) (a) of the Indore Residency Bazars Regulation, 1904<sup>1</sup>, the Agent to the Governor General in Central India is pleased to impose the following tax:—

PROPERTY TAX.

A property tax at the rate of  $7\frac{1}{2}$  per cent. of the annual value shall be leviable on all houses, buildings, and lands situate within the Indore Residency Bazars:

Provided that no property rate shall be leviable in respect of any building exclusively used for public worship or religious purposes; or in respect of any houses, buildings, or lands belonging to Government and used for Government purposes, or on any buildings, lands, or houses which the Agent to the Governor General may by general or special order exempt from the said tax.

2. The said tax shall be leviable from the owner of the house, building or land.

3. For the purpose of assessing the said tax a Committee consisting of five members, of whom the Superintendent of the Bazar shall be one, appointed by the Officer in charge of the Bazar shall make a valuation

<sup>1</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 448.

of all houses, buildings, and lands liable to the said tax and shall cause the amount to be entered in a Register to be called the Assessment Register. The Assessment Register shall be maintained in the Bazar Office and shall contain the following particulars in respect of all houses, buildings, or lands entered in it:—

- (1) Serial number.
- (2) Number or designation of the house or property.
- (3) The name of the street and Muhulla in which the property assessed is situated.
- (4) The name of the person liable to pay the tax.
- (5) The annual value of the property and the amount of the rate assessed thereon.

4. In order to enable the Committee to arrive at a fair valuation of any house or building liable to the said tax, the Officer in charge of the Bazar or such person as he may specially or generally authorise in this behalf may require the owner or occupier of such houses or buildings to furnish him with returns of measurements and of the rent or annual value thereof. Whoever refuses or fails to furnish any of the said returns within one week from the day on which he shall have been required to furnish it or knowingly makes any false or incorrect entry in such return shall be liable on conviction before a Magistrate to the penalties provided in sections 176 and 177, Indian Penal Code.

5. The valuation list when completed shall be submitted to the Officer in charge of the Bazar, who, after making such amendments as he may think fit, shall cause the list to be posted in a conspicuous place at the Bazar Office. The Assessment Register shall there be open to inspection by any person claiming to be the owner or the agent of the owner of any property included in the valuation.

6. Subject to the alterations made under this section and to such alterations as may thereafter be made by orders in appeal the rates entered in the Assessment Register shall be deemed to be the rates leviable for the whole year for which the assessment is made. Such year shall ordinarily commence from the 1st day of April.

7. When any house or building shall have been newly built or shall have been so re-built or enlarged as to increase the annual value thereof, the owner shall give notice in writing of such building, re-building or enlargement to the Officer in charge of the Bazar within fifteen days from the date of the completion of the building, re-building, or enlargement. In default of such notice the owner will be liable on conviction before a Magistrate to a fine not exceeding fifty rupees.

8. It shall not be necessary to prepare a new Assessment Register every year, but the Officer in charge of the Bazar may, from year to

year, adopt the valuations contained in the Register for the preceding year with such alterations as may be deemed necessary. A revision of assessment shall be made at such intervals as the Agent to the Governor General may from time to time direct.

#### APPEALS.

9. Appeals against any rate charged under the foregoing provision shall be heard and determined by the First Assistant to the Agent to the Governor General according to the provisions of section 16 of the Bazars Regulation.

#### COLLECTION.

10. The property tax shall be payable in advance in person or by agent at the Bazar Office in four quarterly instalments which shall become due respectively on the 1st April, 1st July, 1st October, and 1st January in each official year, commencing the 1st April.

11. When any tax or instalment of a tax which may be due is not paid within one month of the date on which it becomes due, the Superintendent of the Bazar shall cause to be presented to the person liable to pay the tax a bill showing the amount due and shall give a description of the property on which it is due, together with a notice requiring the amount to be paid into the Bazar Office within 15 days.

12. If the amount of the bill is not paid within 15 days of the presentation of the said bill the Officer in charge of the Bazar may cause to be served on the defaulter a notice of demand in the form hereto annexed <sup>1</sup>[for which a fee of four annas shall be levied]. If within 15 days from the service of such notice of demand the amount due is not paid and no sufficient cause for non-payment is shown, the Officer in charge of the Bazar may proceed to recover the amount by distress and sale of any goods and chattels belonging to the defaulter <sup>1</sup>[and for every such distress warrant a fee of Re. 1 shall be levied]. If the demand cannot be satisfied by distress and sale of the movable property of the defaulter the Officer in charge of the Bazar may proceed to attach and sell the house or building in respect of which the demand has been made.

13. If the sum due on account of any property rate remains unpaid after the bill for the same has been duly presented to the person, not being the occupier for the time being of the house, building or land in respect of which the rate is due liable to pay the same or to such person's agent the Officer in charge of the Bazar may demand the amount from the occupier. In any such case the occupier may deduct from the next and following payments of his rent the amount which may be paid by or recovered from him: Provided always that no arrear of tax shall be recovered from any such occupier which has remained due for more than

<sup>1</sup> Added by Notification No. 830-B., dated the 30th April, 1913. *Gazette of India*, 1913, Pt. II, p. 833.

one year or which is due in respect of any term for which he has not been in occupation.

#### REMISSIONS AND REFUNDS. .

14. When any bungalow situated outside the Bazar and usually let to tenants shall remain vacant continuously for a month or longer period, not exceeding three months, in any one quarter the Officer in charge of the Bazar may remit or refund as the case may be one-half the property tax leviable in respect of that quarter and if it remain vacant during the whole of any one quarter he may remit or refund the whole of the property tax for that quarter: Provided always that the person liable to the payment of the said tax or his agent has given notice in writing of the vacancy and that the amount of tax to be refunded shall be calculated from the date of the delivery of such notice.

15. All applications for remissions falling due within any quarter shall be made within 15 days after the expiration of such quarter, in default whereof the claim to refund will not be allowed.

16. When any house or building is demolished or removed the person liable for the payment of the aforesaid tax in respect of such house or building shall give notice thereof in writing to the Officer in charge of the Bazar within 15 days from the date of completion of such demolition or removal until such notice is given the said person shall continue to be liable to the payment of all taxes which would have been payable had such house or building not been demolished or removed.

No.                      of 19 .

#### NOTICE OF DEMAND.

To

Take notice that the sum of Rupees                      is due from you on account of                      Tax for                      and that if the sum due is not paid into the Bazar Office within fifteen days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

Assistant to the Agent to the Governor General  
in Central India in charge of the  
Residency Bazar, Indore.

Dated Indore Residency Bazar Office,

The                      19 .

[*Gazette of India*, 1904, Pt. II, p. 1286.]

*Profession tax.*

*No. 9931, dated the 10th November, 1904.*—In exercise of the powers conferred by section 8 (I) (b) of the Indore Residency Bazars Regulation, 1904<sup>1</sup>, the Agent to the Governor General in Central India is pleased to impose the following tax:—

I. *Name of Tax.*—A tax on professions, trades, and dealings.

II. *Class of persons to be taxed.*—All persons exercising any profession or carrying on any trade or dealing within the limits of the Indore Residency.

*Explanation.*—The word “person” includes a Firm, Company, or Association or the Agent of a Firm, Company or Association.

III. *Rate of tax.*—The tax shall be levied at the rate of 2½ per cent. on the annual income or profits derived by each assessee from his profession, trade or dealing.

*Exceptions.*—(1) Any person commencing to exercise any profession or to carry on any trade or dealing after the 1st of October of any year shall pay for that year only one-half of the tax that would have been assessed on a full year's income or profits.

(2) Any person assessed to, and who has paid, the tax for the whole year and who shall cease to be liable to assessment on or before the 30th September shall be entitled to a refund of one-half of the tax for the whole year.

<sup>2</sup>[(3) Any person whose annual income or profits do not exceed Rs. 100 shall be exempt from payment of the tax.]

**RULES FOR ASSESSMENT.**

1. The income or profits of the year ending on the 31st of December previous to the assessment shall, when possible, be taken as the basis of assessment.

2. When a person exercises one or more professions or carries on one or more trades or dealings within the limits of the Indore Residency, whether under the same name or under different names, his tax shall be calculated on his total annual income or profits from all such sources; provided that in no case shall any one person pay a tax under these rules of more than Rs. 500.

3. For the purpose of assessing the tax the Officer in charge of the Bazar shall appoint a Committee consisting of the Extra Assistant to the Agent to the Governor General, the Bazar Superintendent and three respectable residents of the Bazar.

<sup>1</sup> See now the Indore Residency Bazars Law, 1920. Printed, *supra*, p. 448.

<sup>2</sup> Inserted by Agency Notification No. 2349-S., dated the 19th November, 1927.

4. As soon as the Committee has been appointed the Superintendent of the Bazar shall publish notices in the Bazars calling upon all persons exercising any trade or profession or carrying on any dealing within the Residency Bazars to put in at the Bazar Office within 14 days from the date of the notice a written statement of income or profits for the information of the Committee. These statements shall refer to the year ending the 31st December preceding.

<sup>1</sup>[5. If any person liable to the tax, fails to furnish the written statement required by Rule 4 the Committee may assess him with reference to the nature, reputed value and character of the articles dealt with and the number of persons employed by him.]

<sup>2</sup>6. On or before the 1st March the Committee shall deliver to the Officer in charge of the Bazar for confirmation the assessment list prepared by it which shall contain the following particulars:—

- (a) Serial number.
- (b) Name of assessee.
- (c) Amount of income as shown in written statement.
- (d) Amount of income as fixed by the Committee.
- (e) Assessment proposed.

7. The Officer in charge of the Bazar shall examine the list and make any alterations in them<sup>3</sup> he considers necessary. The list when confirmed shall be open to inspection by any whose name is included in it. Any person whose name has not appeared on the list of the former year or whose assessment has been enhanced shall be served with a special notice of assessment.

8. After the 1st of March a Committee may assess any person who, for any reason, could not be assessed before that date. Such subsequent assessments shall be notified as in Rule 6.

9. Every person commencing to exercise any profession or to carry on any trade or dealing subsequent to the 1st April in any year shall, within 30 days of so commencing, give intimation of the fact to the Bazar Superintendent.

10. Every person liable to the tax who shall change either the designation of his firm or the nature of his profession, trade or dealing or his place of business shall, within 30 days from such change, give intimation thereof to the Bazar Superintendent.

11. On receiving any intimation under rule 8 or 9 the Superintendent shall refer the case to the Committee appointed in accordance with rule 3 and the Committee shall assess the person in question. The assessments shall be notified as in rule 6.

<sup>1</sup> Inserted by Agency Notification No. 2949-B., dated the 19th November, 1927.

<sup>2</sup> Rules 6 to 11 were re-numbered by ditto.

<sup>3</sup> *Sid. Road "11"*.

<sup>1</sup>[12. Any person who has been assessed under these rules may at any time before the expiry of one month from the date of the receipt of a bill of demand under rule 16 produce his accounts before the Committee to show that the income derived by him from the exercise of his profession, trade, etc., falls below the figure entered under rule 5 (d), and the Officer in charge Residency Bazars, on the recommendation of the Committee, may reduce or increase the amount of assessment accordingly.]

<sup>2</sup>[13. Appeals against the assessment of any tax charged under the provisions of Rule 12 above, shall be heard and determined by the Secretary to the Agent to the Governor General in accordance with section 16 of the Indore Residency Bazar Regulation, 1904.]

<sup>3</sup>14. "[ " " " " " " ]

15. The general list shall be revised once a year in the month of January and the revised assessment shall take effect from the 1st April following.

#### RULES FOR COLLECTION.

16. The trades tax shall be payable in advance in person or by agent at the Bazar Office in 4 quarterly instalments, that is to say, such instalments shall be due on the 1st April, 1st July, 1st October, and 1st January in each official year commencing the 1st April.

17. When any tax or portion of tax shall have become due, the Superintendent of the Bazar shall cause to be presented to the person liable to pay the said tax a bill showing the amount due and also a notice requiring the amount to be paid into the Bazar Office within 15 days.

18. If the amount of the bill is not paid within 15 days, from the presentation of the said bill, the Officer in charge of the Bazar may cause to be served on the defaulter a notice of demand <sup>3</sup>[for which a fee of four annas shall be levied].

If within 15 days from the service of such notice the amount due is not paid and no sufficient cause is shown, the Officer in charge of the Bazar may proceed to recover the amount by distress and sale of the goods and chattels belonging to the defaulter <sup>3</sup>[and for every such distress warrant a fee of Re. 1 shall be levied].

If the demand cannot be satisfied by distress and the sale of the movable property of the defaulter, the Officer in charge of the Bazar may proceed to attach and sell any house or building situated within the Residency limits which is the property of the defaulter <sup>3</sup>[and for every such distress warrant a fee of Re. 1 shall be levied].

[*Gazette of India*, 1904, Pt. II, p. 1285.]

<sup>1</sup> Inserted by Agency Notification No. 2349-B., dated the 19th November, 1927.

<sup>2</sup> Substituted by ditto.

<sup>3</sup> Section 14 and succeeding sections re-numbered by ditto.

<sup>4</sup> Omitted by Notification No. 6252, dated the 24th May, 1905. *Gazette of India*, 1905, pt. II, p. 613.

<sup>5</sup> Added by Notification No. 836-B., dated the 30th April, 1913. *Gazette of India*, 1913, Pt. II, p. 833.



*Tax on vehicles.*

*No. 2090-B., dated the 30th September, 1924.*—In exercise of the powers conferred by sections 8 (1) (c), (2), 98 (2) (b) (c) and 98 (3) of the Regulation<sup>1</sup> for the better administration of the Indore Residency Bazars the Hon'ble the Agent to the Governor General in Central India is pleased to make the following rules for the imposition, assessment and collection of a tax on vehicles kept for use within the limits of the Indore Residency Bazars.

1. The tax shall be paid on all vehicles of the following kinds at the following rates:—

- (a) On private two-wheeled carriages, Rs. 4-8 per annum.
- (b) On private four-wheeled carriages, Rs. 9 per annum.
- (c) On private motor cars and lorries, Rs. 1-8 per mensem.
- (d) On motor cars and lorries plying on hire, Rs. 2 to Rs. 4 per mensem in accordance with their accommodation and tonnage.
- (e) On motor cycles, annas twelve per mensem.
- (f) On bicycles, annas eight per annum.

Provided that no tax shall be levied in respect of vehicles brought temporarily into the Residency Bazars and kept not more than 3 months therein.

2. The tax on carriages and private motor cars and lorries and bicycles shall be payable annually in advance on 1st April and the tax on other vehicles shall be payable quarterly in advance on the 1st of April, 1st of July, 1st of October and 1st of January.

3. Every person who becomes possessed of or uses a vehicle liable to the tax shall within 15 days of the date of the beginning of such possession or use report the fact to the Bazar Authority and pay the tax due under these rules.

4. A person who has transferred a taxed vehicle shall, within 15 days of the date of transfer, give notice in writing of the fact to the Bazar Authority giving the name and address of the person to whom the said vehicle has been transferred and the Bazar Authority shall thereupon amend the register of tax accordingly.

5. For the purpose of calculating the tax payable under these rules fractions of a month in excess of 10 days shall be considered as a full month and fractions of a month less than 10 days shall be disregarded.

6. Arrears of the tax may be recovered on application to a Magistrate, by the distress and sale of any moveable property belonging to the defaulter within the limits of such Magistrate's jurisdiction.

<sup>1</sup> See now the Indore Residency Bazar Law, 1929. Printed, *supra*, p. 448.

7. A breach of rules 1, 2, 3, and 4 shall be punishable on conviction by a Magistrate with fine which may extend to Rs. 50 and when the breach is a continuing breach with a further fine which may extend to Rs. 5 for every day after the date of such conviction during which the breach is proved before a Magistrate to have been persisted in.

[*Gazette of India*, 1924, Pt. II-A, p. 329.]

### *Dog Tax.*

No. 9937, dated the 10th November, 1904.—In exercise of the powers conferred by section 8 (1) (c) of the Indore Residency Bazars Regulation, 1904,<sup>1</sup> the Agent to the Governor General in Central India is pleased to impose the following tax:—

### **DOG TAX.**

1. A tax of one rupee per calendar year shall be leviable from every person owning or having charge of a dog of the age of six months or more within the limits of the Indore Residency. Provided:—

- (1) that no such tax shall be leviable from any warrant officer or from any non-commissioned officer or soldier of His Majesty's regular forces, or from any person not residing for more than 30 days in the year within the limits of the Indore Residency, and
- (2) that the tax leviable from the poorer class of natives (Gwalas, etc.), shall be at the rate of annas eight only per calendar year. The Bazar Superintendent shall decide at what rate any individual shall be assessed.

2. The dog tax shall be payable by the persons liable for the same either in person or by agent, at the Bazar office on or before the first day of April in each year following that in which the tax is first leviable. In default of such payment the tax shall, upon information laid before a Magistrate, be recoverable by summary proceeding in the manner described in the Code of Criminal Procedure.

3. Any person owning or having charge of a dog for which the tax is payable and who has not paid the said tax and obtained a license in the manner prescribed shall be punishable with fine not exceeding fifty rupees.

[*Gazette of India*, 1904, Pt. II, p. 1289.]

### *Ootroi tax.*

No. . . , dated the 22nd February, 1916.—In exercise of the powers conferred by section 8 (1) (c) of the Indore Residency Bazars Regulation, 1904,<sup>1</sup> as amended by Foreign Department Notification No. 602-D., dated

<sup>1</sup> See now the Indore Residency Bazars Law, 1920. Printed, *supra*, p. 448.

the 15th February, 1916, the Agent to the Governor General in Central India is pleased to impose the following tax:—

An Octroi Tax at the rate of 2 annas per centum *ad valorem* shall be levied on all sales of the value of Rs. 25 and upwards taking place within the Indore Residency Bazars, in addition to the Beyai Tax, with effect from the 1st April, 1916.

[Agency Notification.]

### *Beyai tax.*

No. 1046, dated the 30th June, 1927.—In exercise of the powers conferred by section 8 (1) (f) of the Indore Residency Bazar Regulation, 1904,<sup>1</sup> and in supersession of the Notification, dated the 15th July, 1905, the Agent to the Governor General in Central India is pleased to impose the following tax:—

A Beyai Tax at the rate of  $\frac{1}{2}$  per cent. *ad valorem* on all sales in the Indore Residency Bazar of the value of Rs. 25 and upwards shall be leviable after importation of the articles sold into the Residency Bazars.

*Explanation.*—For the purposes of this tax a sale shall be deemed to have been made within the limits of the Indore Residency Bazars, if weighment is made or if the proposal for sale is accepted or if an agreement as to the sale rate is made, within the limits of the Residency Bazars, whether delivery is subsequently taken within or without Residency limits.

The above rules will be enforced from the 1st August, 1927.

[Agency Notification.]

### *Scavenging tax.*

No. 348-B., dated the 23rd February, 1921.—In exercise of the powers conferred by section 9 of the Indore Residency Bazars Regulation, 1904,<sup>1</sup> the Agent to the Governor General in Central India is pleased to impose the following tax:—

### SCAVENGING TAX.

1. The owner of every house within the limits of the Indore Residency Bazars having a private latrine in use, shall pay to the Indore Residency Bazar Fund the rate of tax hereinafter specified, *viz.* :—

("Owner" includes the person for the time being receiving the rent of any land or building, whether on his own account, or as agent or

<sup>1</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 448.

trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant)—

- (a) On houses the estimated letting value of which does not exceed Rs. 6 per annum, a tax at the rate of Re. 1-8-0 per annum.
- (b) When it exceeds Rs. 6 but not Rs. 12, at the rate of Rs. 3 per annum.
- (c) When it exceeds Rs. 12 but not Rs. 25, at the rate of Rs. 5 per annum.
- (d) When it exceeds Rs. 25 but not Rs. 60, at the rate of Rs. 8 per annum.
- (e) When it exceeds Rs. 60 but not Rs. 120, at the rate of Rs. 10 per annum.
- (f) When it exceeds Rs. 120 but not Rs. 240, at the rate of Rs. 12 per annum.
- (g) On houses the estimated letting value of which exceeds Rs. 240 per annum, a tax at the maximum rate of Rs. 15 per annum.

For houses which are vacant *throughout* the year, the tax shall be levied at half the rates otherwise chargeable.

The Bazar Authority reserves the right to impose a special assessment on houses or premises used as schools, hostels, rest-houses, etc., also to levy the tax on one or more latrines of a house, building or land wherever it is deemed necessary. The tax shall be payable in advance by the owner at the Residency Bazar Office, Indore, in four quarterly instalments which shall become due on 1st January, 1st April, 1st July and 1st October, respectively, in each calendar year.

If the tax is not paid within 15 days from the date on which it becomes due, the Superintendent, Residency Bazars, Indore, shall cause to be presented to the owner a bill showing the amount due to be paid within 15 days.

If the amount of the bill is not paid within 15 days of presentation of the said bill, the Officer-in-charge of the Bazars may cause to be served on the defaulter a notice of demand for which a fee of Re. 0-4-0 shall be levied.

If within 15 days from the service of such notice of demand the amount due is not paid and no sufficient cause for non-payment is shown, the Officer-in-charge of the Bazars may proceed to recover the amount by distress and sale of any goods and chattels belonging to the defaulter, and for issuing every such distress warrant a fee of-rupee one shall be levied. If the demand cannot be satisfied by distress and sale

of moveable property of the defaulter, the Officer-in-charge of the Bazars may proceed to attach and sell the house or building in respect of which the demand has been made.

If the sum due by him on account of the tax remains unpaid after the bill for the same has been duly presented to the owner, the Officer-in-charge of the Bazars may demand the amount from the occupier. In all such cases the occupier may deduct from the rent the amount thus paid.

When any house or any portion of a house which is liable to the payment of the scavenging tax is demolished otherwise than by the order of the Bazar Authority or falls vacant, the owner shall give notice thereof in writing to the Officer-in-charge of the Bazars, within 15 days of such demolition or of the house falling vacant. Until such notice is given the owner shall continue liable to pay the tax and shall not be entitled to any rebate or refund.

All applications for remissions falling due within any quarter shall be made within 15 days after the expiration of such quarter, in default whereof the claim to remission will not be admitted.

A register showing the names of persons assessed to the tax and the amount payable by them shall be maintained at the Residency Bazar Office, Indore, and shall be open for inspection to the tax-payers. Every amendment in the above-mentioned register shall be duly intimated by a notice to the owner.

All objections regarding the tax imposed shall be lodged with the Bazar Office within 15 days of the date of receipt of the bill.

All latrines in future must be of a standard pattern, a design of which can be seen at the Bazar Office.

Existing latrines must be of such construction as will be considered satisfactory by the Sanitary Officer. When, however, any old latrine has to be reconstructed, it must be of the pattern approved by the Residency Sanitary Authority.

#### **CIVIL STATION CONSERVANCY TAX.**

The occupier of a house in the Civil Station of the Indore Residency Bazars shall pay the Conservancy Tax at the rates prescribed below:—

	Per annum.
	Rs.
When actual or estimated monthly rent is from Rs. 50 to Rs. 100	24
Below Rs. 50	12

**[Agency Notification.]**

*Water tax.*

*Notification, dated the 1st July, 1914.*<sup>1</sup>—In exercise of the powers conferred by sections 10 and 98 of the Indore Residency Bazars Regulation, 1904,<sup>2</sup> the Agent to the Governor General in Central India is pleased to make the following rules for the regulation of the water supply and the imposition of a water tax in the Indore Residency area. These rules shall come into force within one month from the date of this notification, but they shall have retrospective effect, so far as the rates notified in section 21 are concerned from the date on which those rates were charged.

*Name of Tax.*—Indore Residency Bazar Water Tax.

*Class of persons to be taxed.*—All owners and occupiers of buildings and lands which are so situated that they derive benefit by the supply of water from the Indore Residency Bazar Water Works.

RULES FOR THE MANAGEMENT OF THE WATER WORKS.

I.—*Public Supply.*

1. Water shall be supplied free to the public for domestic purposes only, from self-closing standards erected at suitable positions in the Bazar.

2. No public drinking standard shall be considered as erected for the use of any particular class, caste, trade or family, but shall be free to all comers (with the exception of sweepers for whom special rail-post standards are erected) so long as they use it in a proper and cleanly manner.

3. No person shall bathe, or wash or cleanse, or cause to be washed or cleaned, his body, clothes or any vehicle, or animal or anything, or substance whatever in or upon, or by the side of the public standard.

4. Any person may take water from a public water standard but water shall not be taken for other than ordinary legitimate domestic purposes or carried beyond the Indore Residency Bazar limits.

5. No person shall obstruct any other person taking water from any public standard.

6. No person shall water any animal at or near any public standard, except at tanks or troughs specially provided for that purpose.

7. No person shall interfere or tamper with the pipes, fittings and other apparatus appertaining to the Water Works.

8. No person shall cause waste of water supplied by the Water Works at any public place.

<sup>1</sup> As amended by Agency Notification No. 568-B., dated the 21st March, 1923.

<sup>2</sup> See now the Indore Residency Bazars Law, 1923. Printed, *supra*; p. 448.

9. Should any person desire to erect a public drinking standard fountain, or water trough at his own cost, he shall make application to the Officer-in-charge, Residency Bazars, Indore.

## II.—*Private Supply.*

10. Water shall be supplied to private persons under the following conditions.

11. The consumer shall bear all the expenses in laying down the necessary piping, etc.

12. The pipes and all necessary connections and other fittings shall be supplied and laid by the Bazar Office, and be of such size, weight and description as the Officer-in-charge, Residency Bazars, Indore, may deem suitable.

13. The estimated cost of laying down pipes, etc., shall be intimated to the person applying for the connection and *he shall lodge the amount* at the Residency Bazar Office before the work is commenced.

14. Applications for connections shall be addressed to the Officer-in-charge of the Residency Bazars, Indore.

15. All connections shall be made by the Bazar Office which shall be entitled to charge 12 per cent. on the estimated cost of the work on account of tools, plant and supervision charges. The supervision charge shall not be levied on connections to Government buildings.

16. All private pipes and their connections are to be open to the inspection of the Superintendent, Residency Bazars, Indore, the Foreman or the Water Works Line-Inspector, at any time between sunrise and sunset. Such repairs as are necessary, are to be carried out at the expense of the Bazar Office except in cases where the damage is considered to be wilful or due to culpable negligence on the part of the consumer. Renewals will be chargeable to the consumers.

17. The Superintendent, Residency Bazars, may shut off the supply to private consumers until leaks and other defects in the pipes and connections are repaired.

18. No person having a private supply shall sell the water nor shall he permit any persons, other than those of his own household, to draw from his pipe.

19. No pipe or pipes shall be attached to any of the Bazar Water Works, or to any pipe or fitting connected therewith, nor shall any alteration of pipes or extensions or disconnection of supply of water be made without the consent of the Officer-in-charge of the Residency Bazars, Indore, being first obtained.

20. No person shall make or cause to be made any connection between the Bazar Water Works mains and his premises, or carry out any repairs to his private pipe, except as provided for in these rules.

21. The Officer-in-charge, Residency Bazars, may at his discretion direct that a meter shall be fixed to any connection at the cost either of the consumer or of the Bazar Fund. All meters shall be supplied, fixed, repaired and renewed by the Bazar Authority and shall be open at any time between sunrise and sunset to inspection by the Officers mentioned in Rule 16.

In the case of meters supplied at the cost of the consumer, repairs and renewals shall be carried out at his cost. In the case of meters supplied at the cost of the Bazar Fund, the Bazar Authority shall levy from the consumer a yearly rental of Rs. 15 per cent. of the cost of the meter which shall cover the cost of repairs and renewals unless due to wilful damage or culpable negligence on the part of the consumer, in which event the cost shall be recovered from him.

22. Water supplied to private consumers shall be charged for—

(a) if supplied by meter, at the rate of one anna for 300 gallons or any less amount according to the meter reading, or at such other rate as the Officer-in-charge, Residency Bazars, may from time to time notify with the previous sanction of the Agent to the Governor General, and

(b) in all cases of metered water supply, when the monthly consumption for a  $\frac{1}{2}$ ",  $\frac{3}{4}$ " and 1" connection does not exceed 9,600, 14,400 and 24,000 gallons respectively the following minimum rates shall be charged:—

	Per month.
	Ra.
For $\frac{1}{2}$ " connection . . . . .	2
For $\frac{3}{4}$ " connection . . . . .	3
For 1" connection . . . . .	5

(c) in other cases at such rates as the Officer-in-charge, Residency Bazars, may fix with the previous sanction of the Agent to the Governor General.

23. Meter readings shall be taken by the Water Works Line Inspector or such other Officer as the Officer-in-charge, Residency Bazars, may authorise for the purpose, on the first day of each month.

24. Applications for water from persons occupying only a portion of a house or building will be granted on condition that a meter is fixed, or that the charge for water is paid at the maximum assessment of a house, or subject to special arrangement.

25. The occupation of a house for 15 days and upwards shall render the occupier liable to pay a whole month's water-rate; and the occupation



of a house for a less period shall render the occupier liable to water-rate for half a month.

26. No remission of water-rate will be allowed except in cases where the supply is cut off for more than three days consecutively through defects in the main; and such remissions will only be granted to persons applying in writing for the same within one week from the date of such stoppage.

27. Every person subject to water-rate shall, before changing residence give not less than 3 days' notice in writing to the Superintendent, Residency Bazars, Indore, of his intention to vacate his house, failing which he will be charged water-rate as if in occupation.

28. Every owner of a private house which is vacant and to which a connection for the supply of water has been made on the application of such owner or some former owner, will be liable for water-rate in respect of such house, unless and until such owner shall have applied in writing to the Superintendent, Residency Bazars, Indore, to cut off such supply.

29. In addition to the above, the owner of the house, building or land if it be occupied within the Bazar Area, falling within a radius of 200 yards from any public standard and to which water is *not* laid on, shall be charged water-rate as noted below:—

	Per annum.
	Rs.
When the monthly rental value is Rs. 5 . . . . .	1
When the monthly rental value exceeds Rs. 5 but not Rs. 10 . . . . .	2
When the monthly rental value exceeds Rs. 10 but not Rs. 20 . . . . .	4
For every succeeding Rs. 5 . . . . .	1

The term "owner" includes every person who is entitled for the time being to receive any rent in respect of the house.

A "Manager", agent on behalf of, or for such person.

30. A house is said to be occupied within the meaning of the above rules, only when it is occupied by a human being, or a horse, pony, mule, ass, ox, cow, bullock, buffalo, camel or elephant.

31. A house occupied during any portion of a quarter shall be deemed under the above rules, to have been occupied during the whole of that quarter.

32. The water-rate payable under these rules shall be paid quarterly and in advance, the quarters shall be deemed to commence on the 1st January, April, July and October, respectively.

[Provided that the water rate payable under clause 29 shall, when the amount payable does not exceed Rs. 2 per annum, be payable an-

<sup>1</sup> Added by Agency Notification No. 1537, dated the 9th September, 1927.

nually in advance on 1st of April and in other cases half-yearly on April 1st and October 1st.]

33. All applications for remissions falling due within any quarter shall be made within 15 days after the expiry of such quarter, in default whereof the claim to remission will not be allowed.

### III.—*Penalties.*

34. Without prejudice and in addition to the rights and remedies of the Bazar Administration in respect of any breach of the bye-laws, it shall be lawful for the Bazar authority, or any one authorised by the Officer-in-charge, Residency Bazars, Indore, at any time to cut off the connection between the private pipes and the public mains in any of the following events:—

- (i) In default of payment of water-rate within 15 days of demand.
- (ii) If any house owner or occupier whose house is supplied with water otherwise than through a meter, shall permit any person or persons not living in the house, or who are not entitled to use the supply, to take water from his pipes, or shall give water to them from his pipes, or use water for purposes in violation of the condition on which granted; provided that 8 days' notice in writing be given.
- (iii) If the owner or occupier of any house shall wilfully or negligently damage or tamper with his meter, or private service pipe.
- (iv) If water shall be allowed to run to waste.
- (v) In case of leakage of the pipes, meters, or other defects in the private service arrangements.
- (vi) For any breach of these rules.

35. A breach of any of the foregoing rules may be punished with fine which may extend to Rs. 50 and, when the breach is a continuing one, with a further fine which may extend to Rs. 5 for every day after the first during which the breach continues.

### IV.—*General.*

36. In the event of a pipe in the main or distribution system bursting, the greatest expedition possible will be used in replacing it. Should it be necessary to shut off the supply at any time for a period exceeding twelve hours, intimation of the same will be made public.

[*Agency Notification.*]

*Rules for the storage and issue of Ammunition and Explosives issued by the Agent to the Governor General in Central India under Section 65 (4) of the Indore Residency Bazars Regulation.<sup>1</sup>*

*Notification, dated the 21st April, 1913.*—I. Ammunition and Explosives brought into the Residency Bazars by Licensed Vendors under terms of License in Form V, shall be stored in the old Magazine near the Opium Godown.

II. The term "Ammunition and Explosives" shall be held to include (1) gun powder and all articles used for blasting, (2) rockets, (3) gun-cotton, (4) dynamite, (5) lithofracteur, (6) all other fulminating materials, (7) gun-flints, (8) gun-wads, (9) percussion-caps, (10) fuses, (11) friction-tubes, etc., (12) all other parts of ammunition, and (13) all explosives included in the definition "Explosives Substance" as given in Section 2 of Act VI of 1908.

III. The door of the Magazine will be provided with a double lock. Both the keys of the lower lock will be with the Inspector of Central India Agency Police in charge of Station House, Indore, and the keys of the upper lock will be with the license holders (i.e., one key with each license holder).

IV. The Magazine will ordinarily only be opened on Mondays and Thursdays at 8 A.M. for issue of Ammunition, Explosives, etc. In any case when ammunition, explosives, etc., are required at other times, the Magazine may be opened on application of license holder to the District Superintendent of Central India Agency Police (or to any officer deputed by the District Superintendent of Police to receive such applications).

V. The Residency Magistrate may at any time order the Magazine to be opened, for inspection or for any other purpose as he considers desirable.

VI. Each license holder will have his own chest in the Magazine for the separate storage of his own goods. The keys of these chests, which will be provided by the license holders themselves, will remain with the license holders.

VII. Each license holder will pay into the Bazar Office on the 1st of each month, Re. 1 per mensem as rent of the Magazine.

[Agency Notification.]

*Conditions of licenses for trade in hay and other highly inflammable materials.*

*No. 893, dated the 21st June, 1927.*—In exercise of the powers conferred by sub-section (4) of Section 65 of the Regulation<sup>1</sup> for the better

<sup>1</sup> See now the Indore Residency Bazars Law, 1920. Printed in 1920.

administration of the Indore Residency Bazars the Agent to the Governor General in Central India is pleased to authorize the Bazar Authority to impose the following conditions in respect of licenses granted under sub-section (I) of the said section to owners or occupiers of places used as lands or depôts for trade in hay, straw, thatching grass, wood, coal, charcoal or other highly inflammable materials, namely:—

1. Hay, straw, thatching grass, wood, coal, charcoal or other highly inflammable materials shall be kept only in such places as the Bazar Authority may authorise. Such places shall not in the case of stalls for hay, straw or thatching grass be within 200 feet and in the case of stalls for other materials within 30 feet, of either any building used for human habitation or any hut or shed adjoining any such building.

Provided that stalls other than those for hay, straw, or thatching grass, which are surrounded by brick walls not less than 8 feet in height and not roofed in any way may be permitted within any distance not less than 12 feet. Provided also that petty stalls of a maximum capacity of 36 maunds in the cases of wood and 6 maunds in the case of coal or charcoal may be sanctioned at any place.

2. A sufficient number of buckets or other vessels, containing water or sand, shall be kept at every licensed stall as may be ordered by the Bazar Authority.

3. Stalls shall be kept at all times in a clean and sanitary condition.

4. No cattle, goats or horses shall be kept within the limits of the stall.

5. The licensee shall pay such fee for his license not exceeding annas eight (0-8-0) per annum for a petty stall and Rs. 5 per annum for a larger one as the Bazar Authority may prescribe.

6. The Bazar Authority may at any time withdraw or cancel a license issued by it, if the licensee fails to comply with any of the above conditions or for any other adequate reason.

[Agency Notification.]

#### *Compulsory vaccination.*

No. 2064, dated the 28th February, 1905.—In exercise of the powers conferred on him by section 97 of the Indore Residency Bazars Regulation, 1904,<sup>1</sup> the Agent to the Governor General in Central India is pleased to declare that vaccination shall be compulsory in the Residency Bazar with effect from the 1st February 1905.

[*Gazette of India*, 1905, Pt. II, p. 257.]

<sup>1</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 448.

*Administration of Indore Residency Bazar Fund.*

No. 1117-B., dated the 24th June, 1921.—In exercise of the powers conferred by section 98 (2) of the Indore Residency Bazars Regulation, 1904,<sup>1</sup> the Hon'ble the Agent to the Governor General in Central India is pleased to sanction the following rules in supersession of all previous orders, with regard to the internal administration of the Indore Residency Bazar Fund:—

1. The Residency Bazar Area is divided into two groups:—

- (i) Civil Station,
- (ii) Bazar.

The former is divided from the latter by the Agra-Bombay Road and River between the Wellesley and Opium bridges.

(2) By Agra-Bombay Road and (3) by Sehore Road.

2. Each area will enjoy the benefit of its own taxes with a proportionate allotment from the general receipts of funds such as Fees and Fines and other items of a miscellaneous nature. In the same way expenditure which cannot readily be separated will be divided in proportion to the work done for each area,  $\frac{1}{4}$  of the cost of establishment being borne by the Civil Station and  $\frac{3}{4}$  by the Bazar.

3. The Agent to the Governor General reserves the right to make any alterations in distribution of allotments for receipts and expenditure under any of the heads whenever he thinks it necessary to do so, without assigning any reasons.

*COMMITTEE.*

4. The Bazar Committee will be composed of nominated and elected members as follows:—

*Bazar Area.*

- (1) Elected members five in number (one for each *mohalla*).
- (2) Nominated three in number.

*Civil Area.*

Nominated members two in number.

5. The following qualifications are necessary to entitle residents to vote at the elections for Committee members:—

- (a) Those paying a Trade Tax of Rs. 25 per annum.
- (b) University Degree-holders.

<sup>1</sup> See now the Indore Residency Bazars Law, 1926. Printed, *supra*, p. 448.

(c) These having immovable property of Rs. 1,000 in value or upwards, provided that they fulfil condition No. 7.

(d) Those drawing a regular salary of Rs. 50 per month in any Government Office in the Residency.

(e) Those paying house-rent of Rs. 150 a year or upwards.

Provided that no person shall be qualified to vote who is—

(a) a female,

(b) of unsound mind,

(c) under 21 years of age,

(d) has been convicted of any disgraceful offence,

(e) whose name is not on the register of electors.

6. A register of the names of voters for each *mohalla* will be kept in the Bazar Office and those entitled to a vote should submit their names to the Bazar Office for inclusion in the list.

7. No person's name will be entered in this register unless he has *resided* for at least six months prior to the date of election in the *mohalla* for which he claims a vote.

8. Any resident whose name is on the register of electors will be eligible as a candidate for election provided:

(a) he has not been dismissed from Government service for misconduct or convicted of any heinous offence,

(b) he is able to read and write,

(c) he has in the case of Government servants, obtained permission from the head of his office.

9. Election will be held annually in January and the incoming members will undertake their duties from 1st April every year.

10. Nominated and elected members shall ordinarily hold office for one year on the expiry of which period they may be re-nominated or stand for re-election.

11. The Under-Secretary in-charge, Residency Bazars, shall preside at Committee meetings which should ordinarily be held once a month.

12. Members shall perform the following general duties with regard to the Bazar only—

(a) enquire into and report on complaints in connection with the construction of doors, windows, private latrines, etc., which are the subject of disputes,

(b) bring to the notice of the Bazar Office cases in which buildings are not constructed strictly according to sanctioned plan, cases of encroachments on land belonging to the Bazar Office, of walls and buildings constructed without permission or in a ruinous or dangerous state,

- (c) bring to the notice of the Bazar Office any case of plague, cholera, small-pox or any other infectious or contagious disease occurring in the *mohalla*.
- (d) report on the work of the Sanitary Inspectors of their *mohallas* and bring to the notice of the Authorities any cases of infringement of the provisions of the Indore Residency Bazar Regulations especially regarding public health,
- (e) see that the street lamps in the *mohalla* are lit properly and to bring to the notice of the Bazar Office any street or lane in which the lighting appears to be insufficient,
- (f) suggest the advisability or otherwise of imposing or relaxing a cess, tax or rent, the ways and means of improving the financial condition of the Bazar Fund and to advise generally about its budget which should be laid before the Committee members for discussion before it is submitted to the Agent to the Governor General for sanction,
- (g) in all contracts given by the Bazar Office to supervise and suggest measures to protect and further the interests of the Bazar Office and the Residency public,
- (h) help the Under-Secretary in the general administration of the Residency Bazars and by personal enquiries report on such complaints as may be referred to them by the Under-Secretary,
- (i) bring to the notice of the Under-Secretary in-charge, Residency Bazars, all cases of derelictions of duty and misbehaviour on the part of any servant of the Bazar Office Staff,
- (j) to consider and report on questions regarding all cases for revision or increase of pay to Bazar Office Staff with their recommendations,
- (k) to report to the Under-Secretary in-charge, Residency Bazars, about meetings, institutions or movements within the Residency limits of an objectionable nature,
- (l) to ascertain and report to the Under-Secretary in-charge, Residency Bazars, any grievances or suggestions for the improvement of the administration made by the residents in the area,
- (m) Bazar Office accounts and stock shall be open to the Committee members at Committee meetings.

[*Agency Notification.*]

*Collection of Bazaar tax.*

No. 1647, dated the 30th June, 1927, as amended on 30th July, 1927.—In exercise of the powers conferred by section 98 (2) (b) of the

Indore Residency Bazar Regulation, 1904,<sup>1</sup> and in supersession of the rules published in the Notification, dated the 15th July, 1905, as subsequently amended by Notification, dated the 21st March, 1911, and No. 2698-B., dated the 27th December, 1923, respectively, the Agent to the Governor General in Central India is pleased to make the following rules for the collection of the Beyai tax imposed by Notification No. 1046, dated the 30th June 1927.

#### RULES FOR COLLECTION.

I. Before 4 P.M. on the day following the day on which a sale is made, the buyer or his agent shall deliver to the clerk at the Beyai Office a statement in Form A hereto annexed together with the amount of tax due and the seller or his agent shall likewise deliver a statement in Form C hereto annexed.

Provided that in the case of sales to a person who is not a resident of the Indore Residency Bazars the seller or his agent shall deliver the statement in Form A together with the amount of tax due.

II. Every broker and licensed weighman or his agent shall hand in daily before 12 noon at the Beyai Office a statement in Form B hereto annexed, declaring the transactions or weighments which he has made on the preceding day.

III. The Beyai Office shall be open daily, excluding Sundays and gazetted holidays, from 10-30 A.M. to 4-30 P.M. for the purpose of receiving payments of the tax and the statements in the Forms prescribed in these rules.

The Beyai Clerk shall deliver to the payee a receipt for the amount of tax paid.

IV. Any person who fraudulently submits a false statement in Forms A, B or C or who evades or attempts to evade or abets the evasion of payments of the Beyai tax or who otherwise contravenes these rules, shall be punishable with fine which may extend to Rs. 50.

Provided that in the case of delay in submitting the prescribed statement or paying the amount of tax due, if such delay does not exceed 24 hours, the Beyai Inspector shall levy double the amount of the tax due in lieu of further penalty unless the Officer-in-charge of the Indore Residency Bazars otherwise directs.

[*Agency Notification.*]

#### *Registration of immoveable property.*

No. 9935, dated the 10th November, 1904.—In exercise of the powers conferred by section 98 (2) (d) of the Indore Residency Bazars Regula-

<sup>1</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 448.



tion, 1904,<sup>1</sup> the Agent to the Governor General in Central India is pleased to impose the following tax:—

**RULES FOR THE REGISTRATION OF IMMOVEABLE PROPERTY.**

1. When any immoveable property situate in the Residency Bazars is transferred by inheritance, gift, sale (whether private or by decree of Court) or in any other manner, the transferee shall within 15 days of such transfer report the transfer to the Officer-in-charge of the Indore Residency Bazar and shall at the same time submit an application for mutation of names.

Forms of application will be supplied free of charge to applicants at the Bazar Office.

2. The fees leviable for mutations shall be:

- (a) In case of transfer due to inheritance, four annas (0-4-0).
- (b) In the case of all other transfers, eight annas (0-8-0).

3. When the Officer in charge of the Bazar receives a report under section (1) he shall cause a proclamation in the form appended to these rules to be published in the Bazars.

4. On the expiry of fifteen days from the date of the proclamation, if no objection be lodged, the Officer-in-charge of the Bazar shall direct the necessary mutation of names to be made.

5. If any objection be raised to the transfer of names, the Residency Magistrate shall after such enquiry as he may deem necessary pass final orders on the case.

6. The Officer-in-charge of the Bazar shall maintain a Register in which, from time to time, all applications for transfers of immoveable property shall be entered.

The Register shall contain the following particulars:—

- (a) Serial number for each transfer.
- (b) Date of Registry.
- (c) Serial No. of the site as recorded in the Property Tax Assessment Register.
- (d) Name of the transferor.
- (e) Name of the transferee.
- (f) Nature of the transfer, *i.e.*, whether by inheritance, gift, sale, or otherwise.
- (g) If the transfer be by sale, the amount of the purchase money and the date of the Agent to the Governor General's order sanctioning the sale.
- (h) Date of transfer.

<sup>1</sup> See now the Indore Residency Bazars Law, 1920. Printed, *supra*, p. 448.

7. No transfer of immoveable property situate in the Residency Bazars other than a transfer by inheritance shall be valid for any purpose whatever without the previous sanction of the Agent to the Governor General.

8. The fee leviable under these Rules for mutation shall be payable on the presentation of the application for mutation, and no such application shall be taken into consideration until such fee has been paid.

9. Whoever fails to submit the application required by section 1 above within the prescribed period shall be punishable with fine which may extend to Rs. 50 (fifty).

#### FORM OF PROCLAMATION.

It is hereby notified that a report has been received that the proprietary rights in house No. \_\_\_\_\_, Muhalla \_\_\_\_\_, have been transferred from A. B., son of \_\_\_\_\_, to C. D., son of \_\_\_\_\_.

Any person who may dispute this transfer or object to the same being registered shall make objection at the Court of the Residency Magistrate within fifteen days of this Proclamation.

[*Gazette of India*, 1904, Pt. II, p. 1288.]

#### *Control of traffic.*

*No. 1715, dated the 15th August, 1928.*—In exercise of the powers conferred by section 98, sub-section (2), clause (e) and sub-section (3) of the Regulation for the better administration of the Indore Residency Bazars, 1904,<sup>1</sup> the Agent to the Governor General in Central India is pleased to make the following rules for the control of traffic in the said Bazars:—

1. No animal shall be ridden or driven and no vehicle shall be driven in any street in the Residency limits in a rash or negligent manner.

2. Any person contravening this rule shall be punishable, on conviction by a Magistrate, with fine which may extend to fifty rupees.

[*Agency Notification.*]

#### *Rules for hand carts plying for hire.*

*No. 956-B., dated the 1st April, 1925.*—In exercise of the powers conferred by section 98 (2) (e) and (o) and 98 (3) of the Regulation<sup>1</sup> for the better administration of the Indore Residency Bazars, the Hon'ble the Agent to the Governor General in Central India is pleased to make

<sup>1</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 448.

the following rules for the regulation and control of hand carts plying for hire in the Indore Residency Bazars:—

I. No hand cart shall be let to hire or taken to ply or offered for hire except under a license granted by the Bazar Authority. Licenses shall be granted by the Bazar Authority at its discretion on payment of a fee of Rs. 3 and shall expire on 31st March annually.

II. With every license shall be granted free of charge a tin plate bearing the number and the year of currency. The plate granted with a hand cart shall be affixed to the outside of the cart.

III. When the owner of a licensed hand cart disposes of it to any other person the license shall cease to be in force until the transferee notifies the transfer together with his name and address to the Bazar Authority who thereupon shall amend the license accordingly on payment of a fee of Re. 0-8-0.

IV. Licensed hand carts and licenses shall be produced for inspection when required by the Bazar Authority.

V. The fares payable for the hire of hand carts shall be:—

	As.
For a whole day of 9 hours . . . . .	20
For a half day of 4½ hours . . . . .	10
For a single journey:—	
(a) To or from the Railway Goods Station from or to—	
The Malwa Bhil Corps . . . . .	8
The Daly College . . . . .	8
Any other place within local limits . . . . .	6
(b) To or from the Railway Passenger Station from or to—	
The Malwa Bhil Corps . . . . .	6
The Daly College . . . . .	6
Any other place in local limits . . . . .	4
(c) Within local limits except as above . . . . .	4

Provided that if a cart is detained for more than 15 minutes on departure or arrival, payment shall be made according to the fare for time.

Fares for distances beyond local limits, except to the Railway station, shall be settled by private agreement.

VI. The Bazar Authority may determine the place or places where hand carts shall be allowed to wait for hire and may prohibit them from so waiting at any other place.

VII. No owner or driver of a licensed hand cart shall refuse to ply it for hire except on reasonable and sufficient grounds, the burden of proving which shall lie on him.

VIII. The Bazar Authority shall have power at its discretion to suspend or revoke any license granted under these rules.

IX. A breach of any of these rules shall be punishable on conviction by a Magistrate with fine which may extend to Rs. 20 and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the date of such conviction during which the breach is proved before a Magistrate to have been persisted in.

[*Gazette of India*. 1925, Pt. II-A, p. 104.]

### *Rules for control of music.*

*No. 2170-B., dated the 31st October, 1927.*—In exercise of the powers conferred by section 98, sub-section (2), clause (e) and sub-section (3) of the Regulation<sup>1</sup> for the better administration of the Indore Residency Bazar, 1904, the Agent to the Governor General in Central India is pleased to make the following rules for the control of music within the Indore Residency Bazars:—

1. In these rules:—

(a) small band (chota Baja) includes all or any of the following instruments only—

- |               |              |                       |
|---------------|--------------|-----------------------|
| (1) Sitara    | (6) Khanjri  | (11) Gramophone       |
| (2) Sarangi   | (7) Dholak   | (12) Piano            |
| (3) Tabla     | (8) Ohikara  | (13) Bansi or Banari. |
| (4) Ek Tara   | (9) Rabana   |                       |
| (5) Harmonium | (10) Mirdang |                       |

(b) *Licensed band* means a band consisting of any or all of the following instruments only for which a license has been granted under rule 2:—

- |                            |              |
|----------------------------|--------------|
| 2 Bag pipes.               | 1 Side drum. |
| 2 Clarionettes or surnais. | 1 Triangle.  |
| 1 Big drum.                |              |

(c) Full band (Bara Baja) means any instruments or band not included in (a) or (b) above respectively.

2. Applications for band licenses should be submitted to the Officer-in-charge, Residency Bazars, who may at his discretion issue or refuse licenses.

Full bands are prohibited in the streets and inside houses in the Indore Residency area between the hours of 8 P.M. and 8 A.M.

4. Licensed bands are prohibited in the streets and inside houses in the Residency Bazars between the hours of 9 P.M. and 8 A.M.

<sup>1</sup> See now the Indore Residency Bazar Law, 1929. Printed, *supra*, p. 448.

5. Small bands in the streets and singing in the streets are prohibited between the hours of 10 P.M. and 7 A.M. unless previous permission which may ordinarily be granted till midnight has been obtained from the Residency Magistrate.

6. Small bands and singing inside houses except religious institutions are prohibited between the hours of 11 P.M. and 6 A.M. unless previous permission which may ordinarily be granted till midnight has been obtained from the Residency Magistrate.

7. The Residency Magistrate may at his discretion relax these rules on special occasions and during religious festivals such as the Moharrum and Holi.

8. Applications for music for which special permission is required should ordinarily be submitted to the Station House Officer, Central India Agency Police, Indore, at least 2 clear days in advance.

9. Any breach of these rules will render the offenders liable to punishment on conviction by a Magistrate with fine which may extend to Rs. 50.

10. All previous rules for the control of music are hereby cancelled.

11. These rules shall come into force on the 1st day of December, 1927.

[Agency Notification.]

#### *Rules for the registration of births and deaths.*

No. 1458, dated the 13th February, 1905.—In exercise of the powers conferred by section 98 (2) (f) of the Indore Residency Bazars Regulation, 1904,<sup>1</sup> the Agent to the Governor General in Central India is pleased to make the following rules for the registration of births and deaths within the Indore Residency Bazars:—

#### **RULES.**

(1) The head, for the time being, of every house or family and the keeper or person in charge of every lodging house, *dharmshala* or *sarai* in which any birth occurs shall within 48 hours after the said birth has taken place report the same to <sup>2</sup>[the Bazar Authority,] personally, or by agent, or in writing together with the following particulars:—

(a) the date of the birth and the sex and name of the child,

(b) the name, place of residence, occupation, and caste of the father.

(2) The head, for the time being, of every house or family and the keeper or person in charge of every lodging house, *dharmshala* or *sarai* in

<sup>1</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 448.

<sup>2</sup> Substituted by Notification No. 66-B., dated the 12th January, 1917. *Gazette of India*, 1917, Pt. II, p. 96.

which any death occurs shall within 48 hours after the said death has taken place report the same to the <sup>1</sup>[Bazar Authority,] personally, or by agent, or in writing, with the following particulars:—

- (a) the date of death, sex, name, age, occupation, and caste of the deceased, the cause of death and the place of residence of the deceased,
- (b) the name of the deceased's father or, in the case of a married woman or widow, the name of her husband, or former husband.

(3) Any person who being bound by these rules to report the occurrence of any birth or death shall fail to do so within the time prescribed shall be punishable with fine not exceeding Rs. 10.

(4) The <sup>1</sup>[Bazar Authority] on receipt of an intimation of any birth or death shall register the same in a register to be kept for that purpose.

(5) No fee shall be leviable for registration.

(6) A certified copy of the entry in the Register regarding any birth or death shall be delivered by the <sup>1</sup>[Bazar Authority] to any person applying for the same on payment of a fee of four annas. All fees received under this rule shall be credited to the Indore Residency Bazar Fund.

(7) These rules shall come into force at once.

[*Gazette of India*, 1905, Pt. II, p. 200.],

#### *Rules regulating compulsory vaccination.*

No. 2065, dated the 28th February, 1905.—In exercise of the powers conferred by section 98 (2) (f) of the Indore Residency Bazars Regulation, 1904,<sup>2</sup> the Agent to the Governor General in Central India is pleased to make the following rules for the regulation of compulsory vaccination within the Indore Residency Bazars:—

#### RULES.

I. The area of the Indore Residency Bazar shall form one vaccination circle.

II. The premises of the Indore Charitable Hospital and such other place or places as may be determined on shall be deemed to be vaccination stations. A board shall be set up and maintained on such premises bearing the words "vaccination station" and setting forth for public information the names of the "public vaccinators" and the hours of their daily attendance at the station on vaccination duty.

<sup>1</sup> Substituted by Notification No. 66-B., dated the 12th January, 1917. *Gazette of India*, 1917, Pt. II, p. 96.

<sup>2</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 448.

III. The Residency Surgeon, Indore, shall *ex-officio* be Superintendent of Vaccination within the circle.

IV. Every public vaccinator shall possess a certificate of qualification under the seal and signature of the Residency Surgeon in the following form:—

“ I hereby certify that I have examined \_\_\_\_\_ and find him qualified for the office of public vaccinator.”

Dated at \_\_\_\_\_

Residency Surgeon, Indore.

The \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_\_

Before granting such certificate the Residency Surgeon shall be assured of the soundness of the candidate's knowledge in regard to:—

- (1) The vaccination operation.
- (2) The characteristics of a good vesicle and cicatrice.
- (3) The collection and preservation of lymph.
- (4) The chief symptoms of small-pox disease.
- (5) The Vaccination Rules.
- (6) The forms and certificates required under the rules.

V. The public vaccinators shall be appointed by the Superintendent of Vaccination, and may, in case of misconduct, be suspended or dismissed from office by him after he has recorded in writing reasons for his action.

VI. The hours of daily attendance of all public vaccinators at the vaccine station shall be 8 A.M. to 10 A.M. and 4 P.M. to 6 P.M.

VII. All public vaccinators shall reside in the Indore Residency Bazar and shall be absent therefrom only for such periods of leave as may be granted by the Residency Surgeon.

VIII. The vaccination season shall extend from the 25th of October to the 25th of March.

IX. Public vaccinators shall at all times, when engaged in the duties of their office, wear a badge in the form of a brass plate with the words “ Public Vaccinator ” engraved on it.

X. Public vaccinators shall vaccinate children belonging to the Indore Residency Bazar at their homes at the request of a parent or guardian on payment of a fee of Rs. 0-4-0, or at the vaccination stations free of charge. They may also, with the approval of the Residency Surgeon, visit and vaccinate children residing beyond the Indore Residency Bazars.

XI. Certificates of vaccination shall be in the forms specified in Appendix A.

XII. Certificates of unfitness for vaccination shall be in the form specified in Appendix B.

XIII. The public vaccinator shall, on the day on which the vaccination is performed, issue to the parent or guardian of each child vaccinated by him a certificate of vaccination in Form A, and shall complete the certificate on the day of examination. He shall also issue to the parent or guardian a certificate in Form B of unfitness for vaccination on account of every child found unfit on the day of its examination. All cases of reported unfitness for vaccination shall be referred by the Vaccinator to the Superintendent, without whose countersignature no certificate issued in Form B shall be valid.

Before final delivery of any certificate to a parent or guardian the public vaccinator shall complete and sign the entries of the fly-leaf of the certificate, which shall remain bound in the book of such certificates.

Every public vaccinator shall be provided with books of the above Forms (A and B).

XIV. The lymph used shall ordinarily be buffalo calf lymph, of which a sufficient supply shall be prepared and maintained at the vaccination station throughout the season.

Arm-to-arm vaccination should not be employed.

The lymph should be inserted on the cleansed site selected in at least four places. If the arm is selected and four insertions are made, these should be arranged in the form of a square or a diamond, with the deltoid insertion in the centre, the side of the square being about 1 inch long.

Vaccination needles and ivory points will be supplied to the public vaccinator free of charge by the Residency Surgeon.

XV. A record should be kept of the number of perfect vaccine vesicles which have resulted in each case vaccinated.

XVI. The Bazar Authority shall take measures to prepare and keep the following registers in the forms appended to these rules:—

(a) A Register of infants born within the circle on or after the 1st November with record of vaccination or reason for non-vaccination. Each mohalla or quarter of the Residency Bazar shall be entered in a separate register (Form I).

(b) A Register of the names of children now resident in or brought into the Residency Bazar after the 1st November who have not been vaccinated, or who have not had small-pox, such children having resided in Residency Bazar for a month and being, if boys, under the age of 14 years, if girls, under the age of 8 years (Form II).



XVII. The General Register of Vaccination performed in the circle and forms of monthly returns will be supplied by the Bazar Authority.

XVIII. At the commencement of every vaccination season the <sup>1</sup>[Bazar Authority] shall cause a notice to be affixed, for public information, in every important portion or quarter of the circle as follows, the notice being translated into and printed in the Hindi and Urdu languages.

*Public Notice, dated*

Hindi.

Urdu.

The public are hereby informed that the vaccination season of 19 commenced on the And this is to give notice that, in obedience to the law, every unvaccinated child of more than 6 months of age resident within the Indore Residency Bazar should be presented by its parent or guardian to the Superintendent of Vaccination for inspection, with a view to its vaccination if found in good health.

*Residency Magistrate.*

The <sup>1</sup>[Bazar Authority] may, at any time during the vaccination season direct the Public Crier to call attention to these notices.

XIX. A monthly statement of results of vaccination shall be submitted by the Superintendent to the Bazar Authority during the five months of the vaccination season in prescribed Departmental forms. The Superintendent shall submit to the Bazar Authority a figured statement of results for the season after its termination together with a concise report upon the working of the Vaccination Rules during the season.

XX. Notices which may be issued by the Superintendent of Vaccination to the parents or guardians neglecting to procure the vaccination of their children or to present them for inspection shall be in the following form:—

*Notice under C. I. A. Notification No. of 1905.*

To

(Name) of

(Address)

The abovenamed (name) is required to present to the public vaccinator the undermentioned child (or children) on the of

<sup>1</sup> Substituted by Notification No. 65-B., dated the 12th January, 1917. *Gazette of India, 1917, Pt. II, p. 96.*









***Standard weights.***

*No. 243-B., dated the 14th February, 1918.*—In exercise of the powers conferred by section 98 of the Regulation<sup>1</sup> for the better administration of the Indore Residency Bazars, the Agent to the Governor General in Central India is pleased to prescribe the following rules:—

1. The following shall be the standard weights to be used in the Indore Residency Bazars, viz. :—

15	Grain troy	.	.	.	.	.	.	.	.=1 Mashas.
12	Mashas	.	.	.	.	.	.	.	=1 Tola.
5	Tolas	.	.	.	.	.	.	.	=1 Chatak.
16	Chataks	.	.	.	.	.	.	.	=1 Seer.
40	Seers	.	.	.	.	.	.	.	=1 Maund.

together with the following fractions and multiples thereof, namely, a half-chatak and two chataks, a quarter seer and a half-seer, a quarter-maund and a half-maund and multiples of one maund.

2. The use or the possession, in circumstances showing that they are intended to be used, of weights other than standard weights by any trader, shopkeeper or weighman in the Indore Residency Bazars shall be an offence punishable on conviction by a Magistrate, with fine which may extend to fifty rupees.

3. The Bazar Authority, or any person authorized by him in this behalf, may at all reasonable times enter into any market, shop, stall or public place used for weighments and inspect any weight in use or intended for use therein, and shall seize and produce before a Magistrate any which are not standard weight and any Magistrate before whom any weights are produced shall, if he finds them not to be standard weights, destroy them or otherwise render them incapable of being used again and may confiscate them, in addition to imposing a fine for their use or possession.

4. These rules shall come into force on the 15th March, 1918.

[*Gazette of India*, 1918, Pt. II, p. 808.]

*Cognizable offences and investment of police officers with powers.*

*No. 5414, dated the 30th May, 1905.*—In exercise of the powers conferred by section 98 (2) (h) of the Indore Residency Bazar Regulation, 1904,<sup>1</sup> the Agent to the Governor General in Central India is pleased to declare offences under sections 86, 87, 88, 89, and 92 of the Regulation to be cognizable by the Police and to invest the District Superintendent of Police, Central India Agency, the Reserve Inspector, Indore, and the Sub-Inspector of Police in charge of the Indore Residency Police Station with powers under section 94.

[*Gazette of India*, 1905, Pt. II, p. 612.]

<sup>1</sup> See now the Indore Residency Bazaar Law, 1929. Printed, *supra*, p. 448.

*Rules for the Dhobi Ghat.*

*No. 185, dated the 4th February, 1927.*—In exercise of the powers conferred by section 98, sub-section (2) clause (j) and sub-section (3) of the Regulation<sup>1</sup> for the better administration of the Indore Residency Bazars, 1904, the Agent to the Governor General in Central India is pleased to make the following rules for the regulation of the Dhobi Ghat in the Indore Residency Bazars.

1. No person shall use the Dhobi Ghat near the opium cess bridge on the right bank of the Khan River in Kalali Mohalla unless he is in possession of a license issued by the Indore Residency Bazar Authority in this behalf.

2. Every applicant for a new license or for the renewal of an existing license, shall apply in writing to the Superintendent, Indore Residency Bazars, and shall forward together with such application the fee prescribed in rule 3 below for the period for which the license is required.

3. The fees for the above license will be annas 4 per week, rupee one per month or Rs. 10 per year at the option of the applicant.

Provided that washer women who are *bonâ fide* residents of the Indore Residency Bazars and who are widows, will be exempted from payment of this fee.

4. Any person found washing clothes at the Dhobi Ghat without being in actual possession of a license, will be charged double the weekly fee on each such occasion.

5. No clothing of persons affected with an infectious or contagious disease shall be washed at the Ghat.

6. A breach of any of these rules shall be punishable, on conviction before a Magistrate, with a fine which may extend to Rs. 20 (twenty).

7. The Bazar Authority may at any time refuse the grant or removal of a license to any applicant or may cancel a license already issued without assigning any reason for such action.

[Agency Notification.]

*Prevention and control of small-pox.*

*No. 389-B., dated the 26th February, 1923.*—In exercise of the powers conferred by section 98 (2) (k) of the Regulation<sup>1</sup> for the better administration of the Indore Residency Bazars, 1904, the Hon'ble the Agent to the Governor General in Central India is pleased to make the following rules for the prevention and control of small-pox in the Residency Bazars.

<sup>1</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 448.

### RULES.

1. If in any house a person becomes ill or dies of a disease which is known or suspected to be small-pox the owner of such house or if the owner be non-resident, the occupier and every head of a family resident therein shall forthwith report the occurrence of such illness or death at the Residency Bazar Office.

2. Any medical practitioner who attends in any house a case in which he has reason to believe the sick person to be infected with small-pox, shall forthwith report such illness to the Residency Bazar Office.

3. On receiving a report under rule 1 or 2 the officer in charge of the Residency Bazars shall inform the Residency Surgeon.

4. The owner or occupier of a house, and the head of any family resident therein, shall comply with any direction that may be issued by the Residency Surgeon with regard to the disinfection and cleaning of the house or its well, the disinfection or destruction of clothing and personal effects, the disposal of any corpse, the improvement of the sanitary condition of the premises and other similar matters.

5. The Residency Surgeon shall, if he considers it necessary, himself take measures for the disinfection of a house and for the other matters referred to in the preceding rule. Should the Residency Surgeon also think it necessary to burn or otherwise destroy any non-masonry and inflammable structure, he will report the case to the officer in charge of the Residency Bazars and act on his orders. The officer in charge of the Residency Bazars may order the burning or destruction of any hut or other temporary structure, if disinfection cannot be satisfactorily effected, on payment of such compensation as he may consider suitable.

6. Whoever being the owner or occupier of a house or head of a family resident therein, fails to report any case of small-pox as required by rule 1, or wilfully conceals such case, shall on conviction by a Magistrate be liable to a fine which may extend to Rs. 50.

7. Whoever being a medical practitioner attends a case of small-pox and fails to report it as required by rule 2 shall on conviction by a Magistrate be liable to a fine which may extend to Rs. 50.

8. Whoever being the owner or occupier of a house or head of a family resident therein, fails to comply with any direction by the Residency Surgeon under rule 4 shall on conviction by a Magistrate be liable to a fine which may extend to Rs. 25.

[*Gazette of India*, 1923, Pt. II, p. 443.]

### *Control of the supply of milk and its products.*

No. 1777, dated the 15th October, 1927.—The following notification is published for the information of the public. It will come into force from November 15th, 1927.



**ORDER BY THE AGENT TO THE GOVERNOR GENERAL IN CENTRAL INDIA.**

In the exercise of the powers conferred by section 98 (2) (k) and (3) of the Regulation for the better administration of the Indore Residency Bazars 1904<sup>1</sup> the Agent to the Governor General in Central India is pleased to make the following rules for the control of the supply of milk and its products in the Residency Bazars.

In these rules the expression "dairy-man" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk or products of milk of which is offered or is intended to be offered for sale for human consumption, and any purveyor of milk, curds or cream or products thereof and any occupier of a dairy.

1. Every dairy-man plying his trade in the Residency Bazar will be required to keep his milk, curds or cream or products thereof free from flies or other contamination in such a manner as is approved by the Health Officer and the Bazar Authority in printed rules issued under the authority of this rule.

2. Every dairy-man shall cause all vessels used in his milkshop or in a distribution of milk, curds or cream or products thereof to be cleaned with fresh clean water before and after use. Only water from the Bazar main or from a well approved in writing by the Health Officer shall be used for the purpose.

3. No person himself suffering from or having recently been in contact with any person suffering from a dangerous, infectious or inoculable disease, shall milk cattle, goats or other animals or handle vessels used for containing milk or products thereof for sale or in any way take part in the conduct of the trade or business as regards production, distribution or storage of milk, curds or cream or products thereof. In case of doubt whether a given case comes under the heading of dangerous, infectious or inoculable disease the decision of the Health Officer shall be final.

4. No dairy-man shall at any time permit any persons suffering from any dangerous disease to enter or remain in his dairy or the precincts thereof.

5. No dairy-man shall sell or permit to be sold the milk of any animal suffering from any contagious or infectious disease (including tubercular disease of the udder) or shall add such milk or permit it to be added to any milk of other animals which is intended for sale or for human consumption.

6. All premises used as dairies or for selling milk, curds or cream or products thereof and all milk, curds or cream or products thereof actually being sold or intended for sale shall be open to inspection by Members

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<sup>1</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 442.

of the Bazar Committee and by any officers appointed for the purpose by the Bazar Authority. Such persons may cause samples of any such milk, curds, cream or products thereof to be sent to the Health Officer or to such other person as the Health Officer may appoint in this behalf for examination.

7. No person shall sell as *pure milk* milk which is adulterated or mixed with preservatives or as *whole milk* milk passed through a cream separator.

8. No person shall sell ghee as *pure ghee* which is adulterated or mixed with preservatives.

<sup>1</sup>[8A. Every person intending to sell milk or ghee as "pure milk", "whole milk" or "pure ghee" shall label it distinctly as such.]

9. If the Health Officer or any officer authorised by him in writing is satisfied that a breach of any of the above conditions has been committed he may cause the milk, curds or cream or products thereof exposed for sale by the offender on the day the breach is committed to be confiscated and with the sanction of the Bazar Authority destroyed.

10. A breach of any of these rules shall be punishable on conviction by a Magistrate with fine which may extend to Rs. 50 and when the breach is a continuing breach with a further fine which may extend to Rs. 5 for every day after the date of such conviction during which the breach is proved before a Magistrate to have been persisted in.

[Agency Notification.]

#### *Rules regarding the Khan River.*

No. 1476-B., dated the 28th September, 1926.—In exercise of the powers conferred by section 98, sub-section (2), clauses (k) and (o), and sub-section (3) of the Regulation<sup>2</sup> for the better administration of the Indore Residency Bazars and in supersession of all previous notifications issued on the subject, the Honourable the Agent to the Governor General in Central India is pleased to make the following rules, namely:—

1. No person shall wash skins, leather or any foul or offensive thing throughout the length of the Khan River which is within the limits of the Indore Residency Bazars.
2. No person shall bathe or wash clothes to be worn in the Khan River above the Wellesley Bridge.
3. No person shall allow ducks or geese to swim in the Khan River within the limit of the Indore Residency Bazars above the Band near the Segregation Hospital.

<sup>1</sup> Added by Agency Notification No. 711A, dated the 18th August, 1928.

<sup>2</sup> See now the Indore Residency Bazars Law, 1926, Printed, *supra*, p. 448.

4. A breach of any of these rules shall be punishable, on conviction by a Magistrate, with fine which may extend to fifty rupees.

[*Gazette of India*, 1926, Pt. II-A, p. 363.]

*No. 2188, dated the 6th June, 1928.*—In exercise of the powers conferred by section 98 (2) (k) (o) and sub-section (3) of the Regulation for the better administration of the Indore Residency Bazars, 1904, the Hon'ble the Agent to the Governor General in Central India is pleased to make the following rules—

1. No person shall wash vegetables in the Khan River within the Residency limits.
2. A breach of the above rule shall on conviction before a Magistrate, be punishable with fine which may extend to fifty rupees.

[*Agency Notification.*]

*Sale of sweetmeats, milk, etc.*

*No. 176-B., dated the 24th January, 1923.*—In exercise of the powers conferred by section 98 (2) (b)<sup>1</sup> of the Regulation<sup>2</sup> for the better administration of the Indore Residency Bazars, 1904, the Agent to the Governor General in Central India is pleased to prescribe the following rules to regulate the sale of:—

(i) sweetmeats and other prepared food, and of

(ii) milk and its preparations such as butter, curds, ghee, etc.

To ensure protection from flies which carry infection and spread disease:—

1. All sellers within the Indore Residency Bazars of sweetmeats and other prepared food as well as of milk and its preparations, such as butter, curds, ghee, etc., including Halwais, Bhatiaras, Khomcha Walas and hawkers of all sorts of cooked food, milk and its preparations, shall provide themselves with gauze wire covers approved of by the Bazar Authority and shall keep their articles for sale under the protection of such covers.

2. Any such person who sells or offers or exposes for sale any such articles not duly protected by gauze wire covers as provided in the above rule shall on conviction before a Magistrate be punished with fine which may extend to fifty rupees, and the Magistrate may, if he shall think fit, direct that the articles in respect of which the offence has been committed be confiscated and destroyed.

[*Gazette of India*, 1923, Pt. II, p. 191.]

<sup>1</sup> *Sic.*, Head (k).

<sup>2</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 483.

*Rules regulating rent of stalls, working of the slaughter house and sale of beef and mutton.*

No. 4702-B., dated the 18th September, 1920.—In exercise of the powers conferred by section 98 of the Regulations<sup>1</sup> for the better administration of the Indore Residency Bazars, 1904, the Agent to the Governor General in Central India is pleased to prescribe the following rules to regulate (1) the rent of stalls at the Indore Residency Bazar Fund Markets, (2) the working of the Slaughter House, and (3) the sale of Beef and Mutton at the markets.

**RULES.**

1. The stalls shall be leased at the rates noted below:—

Vegetable market stall at Rs. 4 per month.

Mutton market stall at Rs. 2-8 per month.

Beef market shop at Rs. 3 per month.

The above rates are subject to revision at the discretion of the Bazar Authority.

2. The rent of each stall or shop shall be payable in advance on or before the 10th of the month for which it is due. Non-payment of the rent due shall at the discretion of the Bazar Authority render the stall or shop holder liable to eviction and the recovery of the amount due by a distress warrant.

3. No stall or shop at any market shall be used for residence. Stalls or shops are always to remain closed during the night, i.e., from 10 P.M. to 6 A.M.

4. Business shall be carried on by every stall holder, at the Beef and Mutton markets either in person or under his immediate supervision and direction.

5. No two (recognized) butchers shall occupy one and the same stall. Every stall holder shall intimate in writing when he wishes to give up the stall either temporarily or permanently.

6. No butcher or his servant shall be allowed to conduct business during the temporary absence of a stall holder without the previous sanction of the officer-in-charge of the Residency Bazar.

7. The sale of Beef and Mutton shall be at the rates fixed from time to time by the officer in charge, Residency Bazars. Any person selling at, or demanding, rates higher than those fixed shall render himself liable to the forfeiture of his stall and shall be punished with a fine which may extend to Rs. 20.

8. Heads, feet, entrails, skins, etc., are not to be kept at the stalls where mutton is sold but at the place set apart for the purpose. No

<sup>1</sup> See now the Indore Residency Bazars Law, 1920. Printed, *supra*, p. 448.

sheep or goat shall be slaughtered except within the hours fixed; and only animals passed by the Inspector or any other person appointed for the same shall be slaughtered. The meat shall then be examined and passed as fit for sale and marked with the number of class before it is removed for sale at the stall.

9. Any meat found unfit for human consumption shall be buried at the expense of the stall holder.

10. A fee of Re. 0-1-6 per head shall be levied for all sheep and goats slaughtered at the slaughter house.

11. No goat or sheep with young shall be slaughtered.

12. Any non-stall holder found occupying a stall or selling meat at the market will be punished with a fine which may extend to Rs. 15.

Any breach of any of the provisions of rules 3, 4, 5, 6, 8 and 11, shall on conviction before a Magistrate be punished with fine which may extend to Rs. 20.

13. The above rules to have effect from 1st October 1920.

[*Gazette of India*, 1920, Pt. II, p. 1588.]

*Manufacture of aerated and other potable waters.*

No. 631-B., dated the 5th April, 1923.—In exercise of the powers conferred by section 98 (2) (o) of the Regulations<sup>1</sup> for the better administration of the Indore Residency Bazars, 1904, the Agent to the Governor General in Central India is pleased to prescribe the following rules to regulate the manufacture of aerated or other potable waters in the Indore Residency Bazars.

*Rules.*

1. No person shall manufacture aerated or other potable waters in the Indore Residency Bazars without a license from the Bazar Authority, in the form annexed on payment of a fee of Re. 1 per annum.

2. The licensee will be subject to the following conditions a breach of any of which will make him liable in addition to cancellation of his license, on conviction by a Magistrate, to a fine which may extend to rupees fifty, and when the breach is a continuing breach, to a further fine which may extend to rupees five for every day after the date of such conviction during which the breach is proved before a Magistrate to have been persisted in.

CONDITIONS.

(i) The premises shall be maintained in a cleanly condition.

(ii) The water shall be taken only from the pipe water supply.

(iii) The water shall be properly filtered before the bottles are filled.

<sup>1</sup> See now the Indore Residency Bazars Law, 1929. Printed, *supra*, p. 448.

- (iv) All bottles shall be cleaned first in a solution of bi-carbonate of soda and then in a solution of permanganate of potash for which separate tanks of a capacity of not less than 8 gallons each shall be maintained. The tanks used shall be emptied, cleaned and refilled daily.
- (v) The floor of the factory shall be of stone or cement.
- (vi) No person affected by any infectious or contagious disorder shall be employed in the factory.
- (vii) Distinctive labels shall be affixed to all bottles filled by the licensee.

*License to manufacture aerated or other potable waters in the Indore Residency Bazars.*

Fee Re. 1 per annum.

License is hereby granted to \_\_\_\_\_ for the manufacture of aerated or other potable waters subject to the conditions on the back of this license for the year ending on the

Under Secretary to the Agent to the  
Governor General in Central India.

RESIDENCY BAZAR OFFICE,  
INDORE;

The 19 .

*Conditions.*

- (i) The premises shall be maintained in a cleanly condition.
- (ii) The water shall be taken only from the pipe water supply.
- (iii) The water shall be properly filtered before the bottles are filled.
- (iv) All bottles shall be cleaned first in a solution of bi-carbonate of soda and then in a solution of permanganate of potash for which separate tanks of a capacity of not less than 8 gallons each shall be maintained. The tanks used shall be emptied, cleaned and refilled.
- (v) The floor of the factory shall be of stone or cement.
- (vi) No person affected by any infectious or contagious disorder shall be employed in the factory.
- (vii) Distinctive labels shall be affixed to all bottles filled by the licensee.

[*Gazette of India*, 1923, Pt. II, p. 614.]

*Rules for motor vehicles.*

*No. 1217, dated the 1st March, 1924.*—In exercise of the powers conferred upon him by section 98 (2) (o) of the Regulation<sup>1</sup> for the better administration of the Indore Residency Area, 1904, the Hon'ble the Agent to the Governor General in Central India is pleased to make the following rules to regulate the use of motor vehicles within the limits of the said area. These rules will come into effect on the 1st April, 1924.

*Rules.*

1. *Numbering.*—The driver of a motor vehicle shall see that whenever it is in a public place, the number assigned by any registering authority\* preceded by the distinguishing letter or letters denoting that authority, shall be shown in a prominent position both at the front and rear of the motor vehicle. These letters and numbers shall be shown in white on a black ground, shall be perfectly legible and placed in an upright position and shall be not less than  $3\frac{1}{2}$  inches in height:

Provided that in the case of a motor bicycle with or without side car attached, they may be not less than 2 inches in height and the front number plate shall have duplicate faces and shall be fixed to the front of the cycle, so that from whichever side the vehicle is viewed the letters or figures on one or other face of the plate may be easily distinguishable.

2. No person shall drive a motor vehicle without a license which is in force and was granted in British India or any Indian State, or by the Registering and Licensing Officer for Central India.

3. *Reckless driving.*—A motor vehicle shall not be driven in a public street recklessly or negligently or in a manner which is likely to endanger human life or to cause hurt or injury to any person or animal or damage to any vehicle or property, or at a speed which would be otherwise than reasonable and proper having regard to all the circumstances of the case including the nature, condition and use of the street and to the amount of traffic which is actually on it at the time or which may reasonably be expected to be on it:

*Speed limit.*—Provided that the Under Secretary in charge Residency Bazars shall have power to prescribe that, when passing through a particular locality or street, motor drivers shall not exceed such speed as may be indicated upon notice boards erected at each end of the locality or street:

Provided also that the Under Secretary by notice may prescribe a rate of speed which shall not be exceeded either generally or in any particular part of the Residency area.

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<sup>1</sup> See now the Indore Residency Bazar Law, 1929. Printed, *supra*, p. 448.  
 \* Note.—The Registering and Licensing authority for Central India is the Secretary to the Agent to the Governor General in Central India in the Public Works Department.

4. *Motor vehicles to carry horns.*—Every person driving a motor vehicle shall have ready and available for immediate use a suitable horn capable of giving audible and sufficient warning of his approach or position and shall sound the same when approaching cross roads and corners and whenever expedient to prevent danger to any of the public.

5. *Motor vehicles to carry lamps.*—No person shall drive a motor vehicle between half an hour after sunset and half an hour before sunrise, without three lighted lamps of suitable character and illumination affixed thereto, one on either side of the front portion and one at the back of such motor vehicle, the light at the back having a red glass facing to the rear and a white glass at the side thereby illuminating the number of the vehicle and rendering it easily distinguishable:

Provided that one lamp shall be sufficient in the case of a motor cycle and one red light visible from the rear at the back of the side car:

Provided also that when a motor cycle is used in combination with a fore-car or side car two lights shall be carried in such a manner as to indicate the width of the combination.

All headlights of motor vehicles the faces of which are over 6 inches diameter must be properly hooded or screened, so as to protect approaching vehicles and foot passengers from excessive glare.

6. Any resident for the time being of the Indore Residency area who fails to comply with this notice, is liable to punishment with a fine which may extend to Rs. 50 and for a continuing breach of the Rules with an additional fine not exceeding Rs. 5 for every day after the first in regard to which he is convicted of having persisted in the breach. The driving license may also be suspended for such period as the Magistrate may order.

NOTE.—(a) Rule 3 applies to any person driving in the Residency area, whether a resident in that area or not.

(b) The fees for licenses are Rs. 2 on first issue and Rs. 1 for renewal. Professional drivers are required to produce a photo, size 3½" x 2½".

[*Gazette of India*, 1924, Pt. II-A, p. 88.]

### *Prohibition of fishing in the Khan River.*

No. , dated the 24th April, 1928.—In exercise of the powers conferred by section 98 (2) (a) and (3) of the Regulation<sup>1</sup> for the better administration of the Indore Residency Bazars, the Hon'ble the Agent to the Governor General in Central India has been pleased to make a rule prohibiting fishing in the Khan River.

Any breach of the above order shall be punishable on conviction by a Magistrate with fine which may extend to Rs. 50.

[*Agency Notification.*]

<sup>1</sup> See now the Indore Residency Bazars Law, 1920. Printed *supra*, p. 448.



CENTRAL INDIA (ADMINISTERED AREAS) EXCISE LAW, 1917.

*Definition of "country spirit" and "foreign spirit".*

No. 532-B., dated the 22nd March, 1921.—Printed *supra*, p. 372.

(a) *Prohibition of import, transport, etc., of opium by post.* (b) *Prohibition relating to charas.*

No. 1784-C., dated the 14th October, 1919.—Printed *supra*, page 373.

*Prohibition of dealings in morphia and cocaine drugs save as permitted by rules.*

No. 553-B., dated the 14th April, 1919.—Printed *supra*, page 374.

*Duty on import of country spirit.*

No. 2079-B., dated the 27th September, 1928.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to direct that the duty payable on the import of country spirit into the Indore Residency Bazars shall be Rs. 6-3-0 per gallon 25° under proof and Rs. 3-1-6 per gallon 60° under proof, with effect from 1st October, 1928.

2. Notification No. 4223-C., dated the 22nd September, 1925, is hereby cancelled, with effect from 1st October, 1928.

[*Gazette of India*, 1928, Pt. II-A, p. 315.]

*Transport duty on opium imported on behalf of Government.*

No. F. 53-Exc./26 (2), dated the 15th March, 1926.—In exercise of the powers conferred by section 16 (1) of the Central India (Administered Areas) Excise Law, 1917,<sup>1</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to direct—

- (1) that a transport duty at the rate of Rs. 2[19] per seer shall be levied on opium imported on behalf of Government and stored in a warehouse established under section 17 when such opium is removed from the warehouse to any other place within the Indore Residency Bazars.

<sup>1</sup> Printed *supra*, page 40.

<sup>2</sup> Substituted by Notification No. F-53-Exc./8, dated the 16th September, 1926. *Gazette of India*, 1926, Pt. II-A, p. 350.

(2) that the following notification in so far as it relates to the Indore Residency Bazars is hereby cancelled; viz., Central India Agency Notification No. 1536-G., dated the 16th June, 1922.

[*Gazette of India*, 1920, Pt. II-A., p. 99.]

*Duty on the import of bhang.*

<sup>1</sup>No. 1786-C., dated the 14th October, 1919.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>2</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to direct that the following duties shall be payable on the import of hemp drugs into the Cantonment of Mhow and the Indore Residency Bazars, viz. :—

	Rs.	A.	P.
* * * * *			
Bhang . . . . .	1	0	0 per seer.

[*Gazette of India*, 1919, Pt. II, p. 1810.]

*Duty on the import of ganja.*

<sup>1</sup>No. 3076-C., dated the 8th December, 1921.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>2</sup> and in modification of so much of Notification No. 1786-C., dated the 14th October, 1919, as relates to Ganja, the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to direct that the duty payable on the import of Ganja into the Cantonment of Mhow and the Indore Residency Bazars shall be Rs. 5-10 per seer.

[*Gazette of India*, 1921, Pt. II, p. 1578.]

*Issue of passes by officers-in-charge of bonded warehouses established under section 17 (a).*

No. 1399-B., dated the 20th August, 1919.—Printed *supra*, page 385.

*Issue of passes to licensed vendors by the officer-in-charge of the Indore City bonded warehouse for country spirit.*

No. 415-B., dated the 25th February, 1920.—In exercise of the powers conferred by section 16 of the Central India (Administered Areas) Excise Law, 1917,<sup>2</sup> the Agent to the Governor General in Central India

<sup>1</sup> Cancelled in so far as it applies to the Cantonment of Mhow by Notification No. F-53-Exc./26 (4), dated the 15th March, 1926, printed *supra*, p. 868.

<sup>2</sup> Printed *supra*, p. 40.

<sup>3</sup> The entry relating to ganja has been omitted in view of Notification No. 3076-C., dated the 8th December, 1921, printed on this page.

is pleased to empower the officers-in-charge of the bonded warehouse established by the Indore Darbar for the Indore City to grant passes for the import of country spirit into the Indore Residency Bazars subject to the following conditions:—

- (a) Passes for the import of such spirit shall be granted only to persons holding licenses for the retail sale of country spirit in the Indore Residency Bazars.
- (b) Such passes shall be granted only in respect of spirit supplied from the bonded warehouse established in the Indore City by the Indore Darbar, and under and in accordance with the rules prescribed by the Darbar for the management of the said warehouse and for the supply of spirit therefrom.
- (c) Such passes shall be in such form as may from time to time be prescribed by the Darbar. Every such pass shall be returned by the importer to the officer-in-charge of the warehouse within such time as may be specified in it in that behalf.
- (d) The duty payable in respect of the spirit to be imported, together with the price of the spirit payable to the Indore Darbar, shall, before the spirit is removed from the bonded warehouse, be paid into the Indore State Treasury by the licensed vendor desirous of importing.

[*Gazette of India*, 1920, Pt. II, p. 433.]

*Establishment of bonded warehouse for opium in the Residency Bazars and payment of duty on removal of opium.*

No. 1043-B., dated the 23rd May, 1922.—Printed *supra*, page 388.

*Powers of Excise officers.*

No. 1401-B., dated the 20th August, 1919.—Printed *supra*, page 389.

*Rules for the management of the bonded warehouse.*

No. 1045-B., dated the 23rd May, 1922.—In exercise of the powers conferred by section 42 of the Central India (Administered Areas) Excise Law, 1917<sup>1</sup> (hereafter referred to as "the Law"), the Agent to the Governor General in Central India is pleased to make the following rules for the management of the bonded warehouse established under section 17 of the Law within the limits of the Indore Residency Bazars.

1. All opium required for consumption in the areas supplied from the warehouse shall be imported on behalf of Government under the orders of the Excise Commissioner for Central India and stored in the warehouse under the supervision of the Officer-in-charge.

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<sup>1</sup> Printed *supra*, p. 40.

2. Every consignment of opium received at the warehouse shall be at once opened and its contents weighed and examined in the presence of the Officer-in-charge of the warehouse, and entered in the stock register, the entry being initialled by the Officer-in-charge.

3. Opium shall be issued from the said warehouse only—

(a) on the application of licensees for the sale of opium in the Indore Residency Bazars or the Cantonment of Sehore or their authorized agents and on the production of a Treasury receipt for the price of the opium at such rate per seer as may from time to time be prescribed by the Agent to the Governor General in Central India and for the duty leviable on the import of the same into the area for which the applicant is licensed,

(b) free of charge, to the local excise authorities of Mhow, Neemuch and Nowgong for storage in the warehouses established in these Cantonments under section 17 (a) of the Law.

4. <sup>1</sup>[The person authorised to remove the opium from the warehouse for sale in the Indore Residency Bazars shall first produce a shop pass book in Form A before the officer in charge of the warehouse, who will make necessary entries therein which will serve as a pass authorising the transport of the opium to which they relate to its destination. The shop pass book] will protect the opium only up to the time entered therein in that behalf, and only so long as it is carried by the most direct route from the warehouse to the licensed premises and in unbroken bulk.<sup>2</sup> \* \* \* \* \*

<sup>1</sup>[NOTE.—Printed copies of the shop pass book will be supplied from the office of the local excise authority on prepayment of such price, if any, as may be fixed in that behalf. The purchaser will be responsible for the safe custody of the pass book which shall be kept at the licensed premises for being shown on demand to inspecting officers, except when it has to be removed from the shop for the purpose of bringing a fresh consignment from the warehouse. If a current pass book is lost a new one will be issued on payment of such penalty not exceeding Rs. 5 (in addition to price) as may be adjudged by the local excise authority: provided that the local excise authority may entirely remit the penalty in any case justifying such remission. If the opium and hemp drugs licenses are both held by the same person, a single pass book can be used for the transport of both classes of drugs from the warehouses.]

5. Opium issued otherwise than under rule 4 will be consigned by passenger train, insured, to the Cantonment Magistrate of Mhow, Neemuch or Nowgong or the Magistrate and Superintendent of Sehore (hereinafter called the verifying officers) as the case may be.

<sup>1</sup> Substituted by Notification No. 2051-B., dated the 27th December, 1927. *Gazette of India*, 1928, Pt. II-A, p. 2.

<sup>2</sup> Deleted and Note added by ditto.

6. As each consignment of opium is issued under rule 5, a pass will be prepared in triplicate. One copy will accompany the consignment, one copy will be sent by post to the verifying officer, and one will be filed in the warehouse.

7. On the arrival of the consignment at its destination, it shall be carefully examined by the verifying officer and weighed in his presence, and the result of such examination and weighment recorded by him both on the pass which accompanied the consignment and on the copy received by him by post. The latter should be filed by him and the former returned by him to the Officer-in-charge of the Indore warehouse, by whom it will be pasted to the counterfoil kept in his office, and who will be responsible for making inquiries into every case of shortage in transit other than such as can be reasonably explained as due to dryage in transit.

8. As soon as the provisions of rule 7 have been complied with the opium shall, in the case of opium issued on the application of the licensee for the retail sale of opium in the Sehore Cantonment, be made over by the verifying officer to the said licensee. In other cases it shall be stored in the bonded warehouse established for the Cantonment under section 17 (a) of the Law.

9. The stock register shall be maintained in Form B hereto appended, each receipt or issue of opium being entered in a separate line, and a balance struck after each transaction. Any loss of weight by dryage shall be shown in the last column.

The entries in the register shall at least once a month be compared by the Officer-in-charge of the warehouse with the receipts for duty and with the balance of opium in hand. The entries in columns 5 and 6 shall be totalled at the end of each month, and the total of column 6 compared with the corresponding total for the month in the Treasury accounts. In the event of a discrepancy, its cause shall be ascertained by comparing the receipts issued from the Treasury for price of and duty on opium with those presented at the warehouse, and a note reconciling the accounts recorded in the stock register.

*NOTE.*—The contents of boxes which, after examination and weighment on arrival, have been placed under double locks, the key of one lock being kept in the personal custody of the Officer-in-charge of the warehouse and that of the other in the custody of the warehouse clerk, need not be weighed more than once in three months, and shall, in months other than those in which they are weighed, be deemed to be of the weight, recorded when they were last weighed.

10. The Excise Commissioner for Central India is appointed to be in charge of the warehouse, and is authorized to delegate his duties as such, when absent from Indore, to the Deputy Opium Agent in Malwa or to a Secretary to the Agent to the Governor General in Central India. The Head Clerk of the Malwa Opium Agency is appointed to be the warehouse clerk.





*Treatment of hemp drugs.*

*No. 39-C., dated the 11th January, 1909.*—In accordance with the provisions of section 16 of the Indore Residency Bazars Excise Law, 1904,<sup>1</sup> and in exercise of the powers conferred by section 42 of the said Law, the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to make the following rules for the regulation of the matters hereinafter mentioned:—

1. The passes, required by section 16 of the said Law, for the import of hemp drugs, shall be in triplicate in such form as may be prescribed by the Agent to the Governor General in Central India in this behalf, and shall be granted only on the application of persons holding a license from the Second Assistant to the Agent to the Governor General for the sale of the drug to be imported, or of the authorised agents of such persons.

2. The person desirous of importing such drugs shall apply in writing to the Second Assistant to the Agent to the Governor General for the issue of a pass.

The application, which may be sent by post, shall contain the following particulars:—

- (1) Name and address of applicant.
- (2) Quantity and description of drugs to be imported.
- (3) Place whence drugs are to be imported.
- (4) Person who will be in charge of the consignment.
- (5) Whether pass to be sent to applicant by post or delivered to him at the office of the Second Assistant to the Agent to the Governor General.

The Second Assistant to the Agent to the Governor General shall, unless he sees reason to the contrary, prepare a pass in triplicate. One part shall be sent or delivered to the applicant, the second shall be sent by the Second Assistant to the Agent to the Governor General to the Officer-in-charge of the warehouse or district from which the drug is to be exported, and the counterfoil shall be retained in the office of the Second Assistant to the Agent to the Governor General. The pass shall specify the route to be followed by the consignment, which, in the absence of special reasons to the contrary, shall be required to be despatched by railway to its destination.

3. The importer or his agent shall present his copy of the pass to the officer-in-charge of the warehouse or district from which the drug is to be exported, who will return it to the person presenting the same, after endorsing on it the particulars of the drugs to be exported. The

<sup>1</sup> Replaced by the Central India (Administered Areas) Excise Law, 1917, printed *supra*, p. 40.



second copy of the pass received by the same officer will be retained by him and dealt with in accordance with the law and rules in force in the province or State from which the drug is exported.

4. The importer or his agent, after making his purchase, shall have the drugs securely packed and sealed. He shall cause the drugs to be conveyed direct to such building as may by general or special order be prescribed by the Second Assistant to the Agent to the Governor General in this behalf, and there produced, together with his copy of the pass, before the Second Assistant to the Agent to the Governor General or such other officer as may be specified by him in this behalf. He will be permitted to remove the drugs to his licensed premises only after they have been examined and weighed in accordance with the following rules, and after payment of the duty thereon calculated in accordance with the said rules.

5. All drugs imported in accordance with these rules must be removed without delay to the importer's premises, the consignment having first been examined and weighed and the duty leviable thereon having been paid as required by the provisions of these rules. All drugs not removed within 24 hours after the consignment has been examined and weighed as required by these rules shall be disposed of in such manner as the Agent to the Governor General may direct:

Provided that if the Treasury be not open at the time when the consignment has been examined and weighed in accordance with the following rules, the removal of the consignment may be deferred until the next day on which the Treasury is open.

6. As soon as possible after the arrival of the consignment, each package of drugs shall be examined and the condition of the seals noted by the Second Assistant to the Agent to the Governor General or such other officer as may be specified by him in this behalf. Each package of drugs shall be weighed separately in its original packing in the presence of the said officer, and also in the presence of the importer or of his agent: Provided that, if the importer fail to attend, personally or by duly authorized agent, during business hours on the day on which the consignment arrives, the examination and weighment may be effected in his absence.

7. From the gross weight ascertained in accordance with the foregoing rule of each package an allowance of two seers per maund (fractions of a seer being neglected) shall be deducted and set off for packing materials, etc., and the weight of the package thus reduced shall be taken as the true weight for the purposes of these rules of the drugs contained therein.

8. If the total gross weight of the consignment is less than that entered by the officer-in-charge of the warehouse or district of export in the pass under which the drugs have been imported, the circumstance shall if the officer by whom the examination is effected is not the Second

Assistant to the Agent to the Governor General, be reported by him to the Second Assistant to the Agent to the Governor General, who, if the deficiency is material, shall cause inquiry to be made and report the result for the orders of the Agent to the Governor General in Central India. The Agent to the Governor General in Central India may thereupon direct that the weight entered in the pass after deducting the allowance for packing materials mentioned in rule 7, shall be deemed to be the true weight of the consignment.

9. In the case of drugs imported from warehouses established under the law in force in British India or maintained by Native States approved in this behalf by the Agent to the Governor General in Central India, and issued from such warehouses in sealed receptacles of standard weight, the weight of such receptacles and of their contents being recorded on the receptacles and in the accompanying passes, the packages (if any) containing such receptacles shall be opened on arrival, and the receptacles weighed with their contents by the officer examining the consignment. If the gross weight of a receptacle and its contents as thus ascertained agrees with that recorded on the receptacle and in the accompanying pass, the weight of its contents as so recorded shall, provided that the seals on the receptacle are intact, be taken as the true weight for the purposes of these rules of the drug contained therein. If the gross weight of any receptacle and its contents as ascertained by weighing differs from that recorded on the receptacle and in the accompanying pass, or if the seals are broken or injured, the receptacle shall be opened and the weight of its contents ascertained by actual weighing by the officer examining the consignment.

10. After the drugs have been examined in the manner prescribed by rules 6-9, the officer by whom the examination has been effected shall endorse on the importer's copy of the pass the result of the examination and the amount of duty leviable as ascertained in accordance with the foregoing rules, and shall inform the importer or his agent, if present, of the amount of duty leviable.

11. The importer or his agent shall present to the officer-in-charge of the Treasury an application in duplicate in form I, together with the duty on the drugs. The officer-in-charge of the Treasury will receive the application in duplicate and the amount tendered, and, after ascertaining that the amount entered is correct, will fill up the figures in the endorsement on both copies of the application, sign them in token of the receipt of the amount tendered and stamp them both with the seal of the Treasury. One copy will then be returned to the applicant, the duplicate being retained in the Treasury. The importer or his agent will then present his copy to the Second Assistant to the Agent to the Governor General or other officer by whom the examination of the drugs was effected, who will retain it as his authority for permitting the removal of the drug, endorsing on it over his signature the serial number of the

pass under which the drugs were imported and the date of removal. He will then return the import pass to the importer or his agent after endorsing on it the amount of duty paid, the number of the Treasury receipt, the date and hour at which the drugs were removed, and the time within which they are required to reach the importer's licensed premises. The importer or his agent shall convey the drugs, with the pass, direct to his licensed premises, and shall forthwith return the pass to the Second Assistant to the Agent to the Governor General or other officer by whom the examination of the drugs was effected. The said officer shall note on the pass over his signature the date and time of its return, and shall, if he is not the Second Assistant to the Agent to the Governor General, forward it, together with the Treasury receipt for duty, to the Second Assistant to the Agent to the Governor General.

12. The Second Assistant to the Agent to the Governor General will cause the endorsements on the pass to be copied on the counterfoil filed in his office. He will then return the pass to the officer-in-charge of the warehouse or district of export, entering the date of doing so in the pass so returned and in the counterfoil, and signing the entry in the pass and in the counterfoil.

## FORM I.

To

The Officer-in-charge of the Treasury at (Indore).

Please to receive the sum of Rs.                      being the amount of duty on the hemp drugs specified below—

Viz. :—

Rs.

being the duty at	per seer on	seers of
being the duty at	per seer on	seers of
being the duty at	per seer on	seers of

Signature.

Date.

Received as per Treasury Receipt No.                      , the sum of being the amount of duty on the hemp drugs specified above.

Signature of Treasury Officer.

Seal of Treasury.

Date.

(Counterfoil).

*Licenses for the wholesale and retail sale of foreign spirits and fermented liquor.*

<sup>1</sup>No. 2241-C., dated the 10th December, 1919.—Not reprinted.

- (a) *Licenses for the retail sale of country spirit, opium and hemp drugs—*  
(b) *Farms of country fermented liquor—*(c) *Licenses for the whole-*  
*sale supply and sale of country spirit.*

<sup>2</sup>No. 2242-C., dated the 10th December, 1919.—Not reprinted.

*Rules regulating the import, possession and vend of denatured spirit.*

<sup>3</sup>No. 1137-C., dated the 31st May, 1926.—Not reprinted.

[*Gazette of India*, 1926, Pt. II-A, p. 221.]

*Rules regulating dealings in morphia and cocaine drugs.*

No. 553-B., dated the 14th April, 1919.—Printed *supra*, page 374.

*Disposal of confiscated articles.*

No. 416-B., dated the 25th February, 1920.—Printed *supra*, page 441.

*Exemption of country spirit in transit under permit from the Indore City warehouse and the Barwaha distillery to certain places.*

No. 1790-C., dated the 14th October, 1919.—Printed *supra*, page 442.

*Exemption of opium and hemp drugs in transit to States in Central India.*

No. 2278-C., dated the 14th September, 1921.—Printed *supra*, page 443.

*Exemption—(a) of certain preparations containing morphia, opium not being morphia, and cocaine drugs—(b) of intoxicating drugs imported, exported on behalf of Government by officers in charge of certain institutions—(c) of the possession of such drugs dispensed from such institutions.*

No. 297-C., dated the 29th January, 1923.—Printed *supra*, page 443.

<sup>1</sup> Amended by Notification No. 3712-B., dated the 12th December, 1923. *Gazette of India*, 1923, Pt. II-A, p. 400.

<sup>2</sup> Amended by Notification No. 3767-C., dated the 26th May, 1924. *Gazette of India*, 1924, Pt. II-A, p. 197.

<sup>3</sup> Amended by Notification No. 246-B., dated the 8th February, 1926. *Gazette of India*, 1926, Pt. II-A, p. 60.







## SEHORE CANTONMENT.

The following British Enactments are in force in Sehore Cantonment:—

- |   |   |                                     |
|---|---|-------------------------------------|
| I.—Statutes.  | } | —See <i>supra</i> , pages 19 to 37. |
| II.—Acts of the Governor General in Council and of the Indian Legislature.              |   |                                     |
| III.—Orders under Statutes.   |   |                                     |
| IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature. |   |                                     |
| V.—Acts locally applied.  |   |                                     |
| VI.—Local Laws.—See <i>infra</i> , pages 628 to 638.                                    |   |                                     |
| VII.—Orders relating to Courts.—See <i>infra</i> , pages 639 to 642.                    |   |                                     |
| VIII.—Orders under Acts locally applied.—See <i>infra</i> , pages 643 to 645.           |   |                                     |
| IX.—Orders under Local Laws.—See <i>infra</i> , pages 647 to 674.                       |   |                                     |



## VI.—Local Laws.

*Publication of newspapers and other printed works.*

*No. 2651-I., dated the 25th June, 1891.*—Printed in Appendix XVII.

*Provision for execution of capital sentences in British India.*

*No. 1431-I., dated the 27th April, 1893.*—Printed in Appendix XIX.

*Central India, Gwalior and Rajputana Excise Law, 1922.*

*No. 1729-635-Intl., dated the 14th August, 1922.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the Notification of the Government of India in the Foreign and Political Department No. 576-I. B., dated the 12th February, 1919, the Governor General in Council is pleased to make the following Law to regulate the import, transport, export, manufacture, possession and sale of spirit, fermented liquor, opium and other intoxicating drugs (as hereinafter defined) in certain areas in Central India, Gwalior and Rajputana in which the Governor General in Council exercises jurisdiction:—

1. *Short title and extent.*—(1) This Law may be called the Central India, Gwalior and Rajputana Excise Law, 1922.

(2) It extends to the following areas, namely—

(i) the lands situate in Central India, Gwalior and Rajputana, which are, or may hereafter be, occupied by—

(a) the Baran-Kotah Railway,

(b) the Bhopal-Itarsi Railway,

(c) the Bhopal-Ujjain Railway,

(d) the Bina-Guna-Baran Railway, excluding the portion east of the river Parbati,

(e) the Great Indian Peninsula Railway, Midland Section, including the Scindia (State) Railway but excluding the portion between the river Chambal and the Gwalior-Bhopal frontier south of Bhilsa,

(f) the Godhra-Rutlam-Nagda Railway,

(g) the Nagda-Muttra Railway,

(h) the Bayana-Agra Railway,

(i) the Nagda-Ujjain Railway, and

(j) the Rajputana-Malwa Railway, including the Holkar State Railway, but excluding the portion of the Malwa Sec-

tion south of the northern end of the Narbada Bridge and the Cawnpore-Achnera Section <sup>1</sup>[and excluding any lands situate within the Cantonment of Mhow].

- (ii) the Sutna Agency Area, and
- (iii) the Cantonment of Sehore.

2. *Definition.*—(1) In this Law—

- (i) “Admixture of opium” means preparations, admixtures or derivatives of raw opium not being prepared opium, medicinal opium or morphine.
- (ii) “Cocaine” means the principal alkaloid of *Erythroxylon coca*, having the chemical formula  $C_{17}H_{21}NO_4$  and includes—
  - (a) all parts of the coca plant;
  - <sup>2</sup>[(b) any derivative of cocaine or of its salts which is declared by notification of the Controlling Authority, with the previous sanction of the Governor General in Council, to be included in the meaning of the term “cocaine”;
  - (c) eucaïne and every other preparation, synthetic or otherwise, in regard to which a like declaration is made;
  - (d) all preparations containing cocaine or eucaïne;]
- (iii) “Controlling Authority” means the Agent to the Governor-General in Central India as regards the areas in Central India and Gwalior, and the Agent to the Governor General in Rajputana as regards the areas in Rajputana;
- (iv) “Denatured” means rendered unfit for human consumption in such manner as may be prescribed by notification by the Controlling Authority or, in the case of spirit imported from or in transit from British India or from an area to which the Central India (Administered Areas) Excise Law, 1917, applies, in such manner as may be prescribed by the Law and rules of the Province or area of origin;
- (v) “Export” means to take from a specified area to any place beyond the limits of such area;
- (vi) “Fermented liquor” means malt liquor, wine, pachwai and fermented *tari*, and shall, in any provision of this Law, if the Controlling Authority, with the previous sanction of the Governor General in Council, so directs, include any other fermented liquor, and also *tari* though it may not have perceptibly begun to ferment;

<sup>1</sup> Inserted by Notification No. 261-I., dated the 19th May, 1924. *Gazette of India*, 1924, Pt. I, p. 378.

<sup>2</sup> Substituted by Notification No. 141-I., dated the 3rd December, 1923. *Gazette of India*, 1923, Pt. I, p. 1680.

- (vii) "Hemp drugs" means the leaves and flowering tops of the hemp plant (*cannabis sativa*) and *ganja*, *bhang*, *charas*, and every preparation or admixture thereof;
- (viii) "Heroin" means diacetyl-morphine, having the chemical formula  $C_{21}H_{23}NO_5$  and includes its salts and all preparations containing heroin.
- (ix) "Import" means to bring into a specified area from any place beyond the limits of such area;
- (x) "Intoxicating drug" includes raw opium, admixtures of opium, prepared opium, medicinal opium, morphine, cocaine, hemp drugs and every other article which may be declared by notification by the Controlling Authority with the previous sanction of the Governor General in Council to be included in the term "intoxicating drug";
- (xi) "Magistrate" means for any area in Central India or Gwalior the District Magistrate, any Magistrate of the first class and any other Magistrate specially empowered by the Agent to the Governor General in Central India in this behalf, and for any area in Rajputana, the Railway Magistrate having jurisdiction;
- (xii) "Manufacture" includes every process, whether natural or artificial, by which any spirit, fermented liquor or intoxicating drug is produced or prepared, and also re-distillation and every process for the rectification, flavouring, blending or colouring of spirit or fermented liquor;
- (xiii) "Medicinal opium" means raw opium which has been heated to 60° Centigrade and contains not less than 10 per cent. of morphine, whether or not it be powdered or granulated or mixed with indifferent materials, and includes preparations and derivatives of the foregoing not being morphine;
- (xiv) "Morphine" means the principal alkaloid of opium, having the chemical formula  $C_{17}H_{19}NO_3$  and includes—
- (a) heroin,
- <sup>1</sup>[(b) any derivative of morphine or of its salts and every other alkaloid of opium which is declared by notification of the Controlling Authority, with the previous sanction of the Governor General in Council, to be included in the meaning of the term "morphine";
- (c) any preparation containing morphine;]

<sup>1</sup> Substituted by Notification No. 14D-I., dated the 3rd December, 1923. *Gazette of India*, 1923, Pt. I, p. 1690.

- (xv) "Notification" means a notification in the Gazette of India;
- <sup>1</sup>[(xva) Officer of the Excise Department includes an officer of the Rajputana and Central India Opium Contraband Department;]
- (xvi) "Place" includes building, house, shop, tent, booth, enclosure, vessel, raft and vehicle;
- (xvii) "Prepared opium" means the product of raw opium, obtained by a series of special operations, specially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for smoking, and includes *madak* and *chandu* and also dross and all other residues remaining when opium has been smoked;
- (xviii) "Prescribed" means prescribed by rule under this Law;
- (xix) "Raw opium" means the spontaneously coagulated juice obtained from the capsules of the *papaver somniferum*, which has only been submitted to the necessary manipulations for packing and transport, and also includes capsules from which the juice has not been extracted;
- (xx) "Specified area" means the area specified in any of the clauses or sub-clauses of sub-section (2) of section 1, or, if the Controlling Authority by notification in respect of import, transport, or export so directs, any portion of such an area, or combination of two or more such areas or portions of areas;
- (xxi) "Spirit" means any liquor containing alcohol obtained by distillation;
- (xxii) "Tari" means the sap of any kind of palm tree;
- (xxiii) "Transport" means to remove from one place to another within a specified area.

(2) The Controlling Authority is hereby authorized to determine, in any case in which doubt arises, whether any fermented liquor or any spirit is to be classed as 'foreign' or 'country' for the purpose of this law, and his decision shall be binding on the courts.

3. *Cultivation of plants producing intoxicating drugs.*—No plant from which any intoxicating drug may be produced shall be cultivated.

4. *Prohibition regarding medicinal opium, morphine and cocaine.*—Save as permitted by rules made by the Controlling Authority in this behalf no medicinal opium, morphine, or cocaine shall be imported, transported, exported, manufactured, possessed or sold.

<sup>1</sup> Inserted by Notification No. 515-X, dated the 9th November, 1926. *Gazette of India*, 1926, Pt. I, p. 1184.

5. *Import, transport, export, manufacture, possession and sale of other intoxicating drugs in the Sutna Agency and in the Cantonment of Sehore.*—In the Sutna Agency and in the Cantonment of Sehore no spirit, fermented liquor, raw opium, admixtures of opium, prepared opium, or hemp drugs shall be imported, transported, exported, manufactured, possessed or sold otherwise than as permitted by rules made by the Controlling Authority in this behalf, nor shall any distillery, still or brewery be constructed, possessed or worked otherwise than as so permitted:

Provided that nothing in this section shall apply to—

(i) the import, transport, export or possession of—

(a) foreign spirit or foreign fermented liquor [other than denatured spirit]<sup>1</sup> in quantities not exceeding two imperial gallons or twelve reputed quart bottles,

(b) foreign spirit or foreign fermented liquor other than denatured spirit in the possession of any common carrier or warehouseman as such,

(c) foreign spirit or foreign fermented liquor [other than denatured spirit]<sup>1</sup> lawfully procured by and in the possession of any person for his own private consumption and not for sale,

(d) *tari* intended to be used solely for the manufacture of *gur* or molasses,

(ii) the sale of any foreign spirit or foreign fermented liquor lawfully procured by any person for his own private consumption and not for sale and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting the Cantonment or Agency or after his decease.

6. *Import, transport, export, manufacture, possession, and sale of other intoxicating drugs in other areas specified by the Controlling Authority.*—The Controlling Authority may by notification prohibit in any specified area other than those mentioned in section 5—

(i) the import, transport, export, manufacture, possession and sale, or any of the foregoing, of spirit, fermented liquor, raw opium, admixtures of opium, prepared opium and hemp drugs, or of any of them,

(ii) the construction, possession, or working of a still, distillery or brewery;

<sup>1</sup> Inserted by Notification No. 501-I., dated the 12th October, 1925. *Gazette of India*, 1925, Pt. I, p. 243.

Provided that such prohibition shall not extend to—

(1) the import, transport, export or possession of spirit, fermented liquor, raw opium or admixtures of opium or hemp drugs provided that the same are—

- (a) declared as such to the Railway Authorities and carried in their custody and not in that of a passenger;
- (b) in transit to a place in Central India, Gwalior or Rajputana or in the case of opium, to the Hyderabad State;
- (c) accompanied by a pass granted by—
  - (i) a Political Officer in Central India, Gwalior or Rajputana,
  - (ii) any other officer specially empowered by the Controlling Authority in this behalf,
  - (iii) an officer empowered under the law of the State or other area of destination to issue such passes, or
  - (iv) in the case of spirit an officer-in-charge of a distillery authorised to issue spirit for consumption in the State or area of destination,

Authorising conveyance by the most direct route and within a period specified therein from a place specified therein to a place similarly specified and within the State or area for the import into which of spirit, fermented liquor, raw opium or admixtures of opium, or hemp drugs, as the case may be, the officer granting it is empowered to grant passes, and

- (d) carried in securely sealed packages from and to the place, by the route, and within the period specified in the pass;

(2) The import, transport, export or possession of spirit, fermented liquor, raw opium, admixtures of opium, prepared opium or hemp drugs in quantities not exceeding those from time to time specified by the Controlling Authority in this behalf;

(3) the import, transport, export, or possession of spirit, fermented liquor, raw opium, admixtures of opium, prepared opium or hemp drugs in compliance with such special conditions (if any) as may be specified by the Controlling Authority in this behalf;

(4) the import, transport, export or possession of—

- (a) foreign spirit or foreign fermented liquor <sup>1</sup>[other than denatured spirit] in quantities not exceeding two Imperial gallons or twelve reputed quart bottles,
- (b) foreign spirit or foreign fermented liquor other than denatured spirit in the possession of any common carrier or warehouseman as such,

<sup>1</sup> Inserted by Notification No. 501-L, dated the 12th October, 1925. *Gazette of India*, 1925, Pt. I, p. 943.

(c) foreign spirit or foreign fermented liquor <sup>1</sup>[other than denatured spirit] lawfully procured by and in the possession of any person for his own private consumption and not for sale,

(d) *tar* intended to be used solely for the manufacture of *gur* or molasses;

(5) the sale of any foreign spirit or foreign fermented liquor lawfully procured by any person for his own private consumption and not for sale and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting the locality or after his decease;

(6) the sale of <sup>2</sup>[foreign spirit, foreign fermented liquor or denatured spirit whether country or foreign] under and in conformity with the terms of a license granted in accordance with rules made by the Controlling Authority in this behalf. Provided that any fee realised in respect of any such license shall—

(a) if the area within which the licensed premises are situated is surrounded by an Indian State, be paid under the orders of the Controlling Authority to the authorities of that State,

(b) if the said area is surrounded partly by one State or British Administered Area and partly by another or others, be distributed between the authorities of the surrounding territories in such proportions as the Controlling Authority may in each case from time to time direct.

7. *Prohibition as to import, transport and export by post.*—<sup>3</sup>[Save as permitted by rules made by the Controlling Authority in this behalf, no intoxicating drug] shall be imported, transported or exported by means of the post.

8. *Major offences.*—Whoever, in contravention of this law or of any prohibition notified or rule made thereunder, cultivates any plant from which any intoxicating drug may be produced, or imports, transports, exports, manufactures, possesses or sells any spirit, fermented liquor or intoxicating drug or constructs, possesses or works any still, distillery or brewery, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

9. *Penalty for permitting drunkenness, riot or gaming, etc., in shop.*—Whoever, being licensed to sell by retail, spirit or fermented liquor, or intoxicating drugs, permits drunkenness, riot or gaming in his shop,

<sup>1</sup> Inserted by Notification No. 501-I., dated the 12th October, 1925. *Gazette of India*, 1925, Pt. I, p. 948.

<sup>2</sup> Substituted by ditto.

<sup>3</sup> Substituted by Notification No. 468-I., dated the 16th August, 1927. *Gazette of India*, 1927, Pt. I, p. 851.

or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for spirit, fermented liquor, or intoxicating drugs, shall be punishable with fine which may extend to two hundred rupees, and on the conviction of any person under this section his license may be suspended or cancelled by the authority which granted it.

10. *Other minor offences.*—Whoever, holding a license or pass under this Law or the rules made thereunder, refuses to produce the same on the demand of any officer of the Police, Excise or Octroi Department and whoever commits a breach of any rule made under this Law or of any condition of a license or pass granted thereunder, for the breach of which rule or condition no other penalty is provided by this Law, shall be punishable with fine which may extend to fifty rupees, and on the conviction of any person under this section his license or pass may be suspended or cancelled by the authority which granted it.

11. *Attempt, abetment and possession of illicit drug.*—Whoever attempts to commit any offence punishable under this Law or abets the commission of any such offence or otherwise than in the performance of his duty under this Law receives or retains any spirit, fermented liquor or intoxicating drug in respect of which he knows or has reason to believe that any such offence has been committed, shall be punishable with the punishment provided for such offence.

12. *Enhanced punishment after previous conviction.*—Whoever, having been convicted of an offence punishable under section 8 or under section 11 read with section 8, subsequently commits any such offence, shall be liable to twice the punishment which might be imposed on a first conviction.

13. *Confiscation.*—Any plant, spirit, fermented liquor, or intoxicating drug in respect of which any offence punishable under section 8 has been committed, together with all materials or implements collected for the purpose of manufacturing the same, vessels or packages containing such plant, spirit, fermented liquor, intoxicating drug, materials or implements, and any animals or conveyances used in carrying the same, may be confiscated by any Magistrate within the local limits of whose jurisdiction it is found, whether any person is or is not convicted of an offence in respect of the same.

14. *Recovery of dues.*—Any officer by whom a license is granted under this Law or the rules made thereunder may recover any amount due to the Government by the licensee under this Law, or the rules thereunder, by distress and sale of the movable property of the licensee or of his surety, or by any other process for the time being in force in British India for the recovery of arrears of land revenue due from land-holders or from farmers of land or their sureties.



15. *Power to inspect shops and premises.*—Any Magistrate or any Police officer not below the rank of Head Constable or any officer of the Excise or Octroi Department not below such rank as may be prescribed may enter and inspect at any time by day or by night, the shop or premises in which any manufacturer or vendor licensed under this Law or the rules made thereunder carries on the manufacture of country spirit or the sale of country spirit, country fermented liquor or intoxicating drugs.

16. *Arrest and seizure without warrant.*—Any officer of the Police, Excise or Octroi Department, subject to the prescribed restrictions, may—

- (a) seize and detain any plant, spirit, fermented liquor, intoxicating drug, material or implement which he has reason to believe to be liable to confiscation, under this Law, and any animals or conveyances used in carrying the same, and
- (b) detain and search, and, if he thinks proper, arrest without warrant any person whom he has reason to believe to have committed an offence under section 8 or section 11 read with section 8.

17. *Search without warrant.*—Whenever a Police officer not below the rank of a Head Constable, or an officer of the Excise or Octroi Department not below such rank as may be prescribed, has reason to believe that any spirit, fermented liquor, intoxicating drug, material or implement in respect of which an offence under section 8 or section 11 read with section 8 has been, is being or is likely to be committed, is kept or concealed in any place, and that a search warrant cannot be obtained without affording the offender an opportunity of escape or of concealing evidence of the offence, he may, after recording the grounds of his belief, enter and search such place by day or by night, and may exercise therein all or any of the powers specified in section 16.

<sup>1</sup>17-A. *Powers of Excise Officers to investigate into offences punishable under this Act.*—(1) A police officer not below the rank of an Officer-in-charge of a police station and an Officer of the Excise Department of such rank as the Controlling Authority may prescribe may investigate any offence punishable under this Law committed within the limits of the area in which such officer exercises jurisdiction.

(2) Any such officer may exercise the same powers in respect of such investigation as an Officer-in-charge of a police station may exercise in a cognisable case under the provisions of Chapter XIV of the Code of Criminal Procedure, 1898, and if specially empowered in that behalf by the Controlling Authority, such officer may, without reference to a Magistrate, and for reasons to be recorded by him in writing, stop

<sup>1</sup> Inserted by Notification No. 242-I., dated the 31st May, 1926. *Gazette of India, 1926, Pt. I, p. 664.*

further proceedings against any person concerned or supposed to be concerned in any offence punishable under this Law which he has investigated.

18. *Warrants of arrest and search.*—(1) Whenever a Magistrate has reason to believe—

(a) that any person has committed an offence under section 8 or under section 11 read with section 8, or

(b) that any spirit, fermented liquor, intoxicating drug, material or implement in respect of which such an offence has been, is being or is likely to be, committed, is kept or sold in any place,

such Magistrate may issue a warrant for the arrest of such person, or for the search of such place by day or by night.

(2) A Magistrate issuing a warrant for the arrest of any person under this section may, by endorsement on the warrant, direct that, if such person executes a bond with sufficient sureties for his attendance before the Magistrate, the person to whom the warrant is directed shall take such security, and shall release the person arrested from custody, and the person executing such warrant shall in such a case give effect to such direction.

(3) The person executing a warrant under this section may exercise any or all of the powers specified in section 16, and shall forward anything seized, and, subject to the provisions of sub-section (2), any person arrested, to the Magistrate by whom such warrant was issued.

19. *Application of Criminal Procedure Code.*—Save as in this Law otherwise expressly provided, the provisions of the Code of Criminal Procedure, 1898, relating to searches, arrest and warrants shall apply, so far as may be, to all searches and arrests made, and warrants issued, under this Law.

20. *Procedure after arrest or seizure.*—(1) Whenever any officer makes an arrest or seizure under section 16 or section 17 he shall, without delay, take or send any person arrested or thing seized to the officer-in-charge of the nearest Police-station, together with a report of the particulars of such seizure or arrest, and shall also send a like report to his immediate superior, who shall forward the same to a Magistrate having jurisdiction.

(2) An officer-in-charge of a Police-station, to whom any person arrested or thing seized is made over, shall forthwith forward such person or thing to a Magistrate having jurisdiction, unless he considers further inquiry, necessary, in which case he shall proceed in accordance with the provisions of Chapter XIV of the Code of Criminal Procedure, 1898:

Provided that such officer may, instead of forwarding a person arrested to the Magistrate, take a bond with such sureties as he may

think sufficient for the attendance of such person before the Magistrate on a date to be specified; and in such case, he shall forward the bond taken to the Magistrate.

21. *Presumption in regard to certain articles.*—In prosecutions under section 8 or under that section read with section 11, it shall be presumed, until the contrary is proved, that all spirit, fermented liquor, intoxicating drugs and materials or implements for the manufacture of the same for which the accused person is unable to account satisfactorily are articles in respect of which he has committed an offence under this Law.

22. *Exemptions.*—(1) Nothing in this Law shall apply to—

- (a) the import, transport, export, manufacture, possession or sale of spirit, fermented liquor or intoxicating drugs on behalf of Government, or
- (b) spirit, fermented liquor or intoxicating drugs in transit to or from British India in accordance with the Law of British India.

(2) Subject to the provisions of sub-section (1), the Controlling Authority may, with the previous sanction of the Governor-General in Council, by notification, either wholly or partially, and subject to such conditions, if any, as it may think fit, exempt any medicinal preparations containing spirit or intoxicating drugs, or any class of such preparations, from all or any of the provisions of this Law.

23. *Rules.*—The Controlling Authority may, by notification, make rules for all or any of the following purposes, namely:—

- (a) within all or any of the areas mentioned in section 5 to permit, absolutely or subject to the payment of the duty or other conditions, and to regulate the import, transport, export, manufacture, possession and sale of spirit, fermented liquor and intoxicating drugs;
- (b) within any railway lands to which this Law applies to permit, absolutely or subject to conditions, and to regulate the import, transport, export, possession and sale of foreign spirit, foreign fermented liquor, medicinal opium, morphine and cocaine; and the manufacture of medicinal opium, morphine and cocaine;
- (c) to regulate the disposal of things confiscated or seized as liable to confiscation under this Law;
- (d) to regulate the powers and duties of officers under this Law; and
- (e) generally to carry out the provisions of this Law.

24. The Central India and Rajputana Intoxicating Drugs Law, 1919, is hereby repealed.

[*Gazette of India*, 1922, Pt. I, p. 1035.]





## VII.—Orders relating to Courts.

*Provision for execution of capital sentences in British India.*

No. 1431-I., dated the 27th April, 1893.—Printed in Appendix XIX.

*Criminal law and procedure of British India applicable to British subjects in Indian States.*

No. 1863-I. 'A., dated the 13th May, 1904.—Printed in Appendix IV.

*High Court at Bombay to exercise jurisdiction over European British subjects.*

No. 580-D., dated the 26th January, 1917.—Printed in Appendix IV.

*Justices of the Peace to commit for trial to the High Court having jurisdiction.*

No. 582-D., dated the 26th January, 1917.—Printed in Appendix IV.

*Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.*

No. 319-D., dated the 16th January, 1917.—Printed in Appendix IV.

*Appointment of Justices of the Peace.*

No. 2313-I., dated the 13th August, 1883.	} Printed, <i>supra</i> , page
No. 2760-I., dated the 18th September 1883.	

13.

*Criminal Courts. High Court.*

No. 2381-I. B., dated the 16th November, 1912.—Printed, *supra*, page 68.

*Court of Session and District Magistrate.*

No. 1628-B., dated the 16th November, 1912.—Printed, *supra*, page 68.

*Magistrate of the first class.*

No. 1427, dated the 24th February, 1893.—Under sections 12 and 39 of the Code of Criminal Procedure, the Agent to the Governor General in Central India hereby invests the Superintendent of Sehore with the powers of a Magistrate of the 1st class as defined in section 32 of the

Code, and under section 37 of the said Code with powers to try summarily the offences indicated in section 260, Chapter XXII, of the same Code.

[*Gazette of India*, 1898, Pt. II, p. 251.]

*Officers to whom notice of appeal is to be given.*

No. 222-B., dated the 4th February, 1928.—Printed, *supra*, page 70.

### *Civil Courts.*

No. 2366-I. B., dated the 14th November, 1912.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to provide as follows for the administration of civil justice within the Cantonment of Sehere—

1. The Superintendent of Sehere shall exercise the powers of a Civil Court with jurisdiction in all original suits of which the amount or value of the subject-matter does not exceed [Rs. 1,000]<sup>1</sup>.

2. The Political Agent in Bhopal shall exercise the powers of a District Court as described in the Code of Civil Procedure, 1908, with jurisdiction in all original suits whatever be the amount or value of the subject-matter and in all other cases in which jurisdiction is conferred on the District Court by the law for the time being in force in the said Cantonment and with power to hear appeals from the decrees and orders of the Superintendent.

3. Appeals shall lie, subject to the provisions of the enactments for the time being in force in the said Cantonment, from the decrees and orders of the said District Court to the Agent to the Governor General in Central India, who shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of civil justice within the said Cantonment.

[*Gazette of India*, 1912, Pt. I, p. 1396.]

### *Small Cause Court.*

No. 566-B., dated the 28th March, 1913.—In exercise of the powers conferred by sections 5 and 6 of the Provincial Small Cause Courts Act, 1887 (IX of 1887), as applied to the Cantonment of Sehere, the Agent to the Governor General in Central India is pleased—

(a) with the sanction of the Governor General in Council to establish a Court of Small Causes in the said Cantonment;

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<sup>1</sup> Superseded by Notification No. 1533-609-Int., dated the 24th July, 1922, *Gazette of India*, 1922, Pt. I, p. 914.

- (b) to direct that the local limits of the jurisdiction of the said Court shall be the limits for the time being of the said Cantonment, and
- (c) to appoint the Superintendent of Sehore to be the Judge of the said Court.

[*Gazette of India*, 1918, Pt. II, p. 670.]

*Payment of expenses of complainants and witnesses in Criminal Courts.*  
No. 913-B., dated the 4th May, 1928.—Printed, *supra*, page 72.

*Mode of Whipping.*

No. 220-B., dated the 10th February, 1919.—Printed, *supra*, page 72.

*Lunatics to be sent to asylum at Nagpur.*

No. 2100-I.B., dated the 18th July, 1918.—Printed, *supra*, page 184.

*Central India (Administered Areas) Legal Practitioners' Rules, 1923.*

No. 1015-1052-I., dated the 25th June, 1923.—Printed, *supra*, page 55.

*Courts in British India empowered to send decrees to the District Court, Civil Court and Court of Small Causes in Sehore Cantonment for execution.*

No. 786-I. B., dated the 9th April, 1913.—Printed in Appendix XXI-A.

*Service and execution by the Courts in the Sehore Cantonment of summonses and decrees—(a) of Civil or Revenue Courts in British India;<sup>1</sup>(b) of other Courts established or continued by the Governor General in Council;<sup>2</sup> (c) of certain Courts of Indian States.*

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.

*Service of summonses and execution of decrees of the Courts in the Sehore Cantonment<sup>3</sup> by other Courts established or continued by the Governor General in Council.*

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.

<sup>1</sup> As regards summonses see Rule 26 (a) of Order V of the First Schedule of the Code of Civil Procedure, 1908, read with clause (1) of Notification No. 322-I., dated the 15th May, 1929. Printed in Appendix XXI-A.

<sup>2</sup> See also sections 29 and 48 of the Code of Civil Procedure, 1908 (V of 1908), as locally applied.

<sup>3</sup> These Courts may send their summonses and decrees to Courts in British India for service and execution, see sections 29 and 48 of the Code of Civil Procedure, 1908 (V of 1908).



*Service of summonses and execution of decrees of the Courts in the Sehore Cantonment by Civil Courts of the Baroda and Mysore States.*

No. 398-I. B., dated the 25th February, 1910.

No. 2622-I. B., dated the 24th December, 1912.

No. 2623-I. B., dated the 24th December, 1912.

} Printed in Appendix  
XXI-C.

*Reciprocal service of summonses by the Civil Courts in the Sehore Cantonment and Civil Courts in—(a) Kenya;*

No. 397-I., dated the 13th August, 1924.—Printed in Appendix XXI-D.

(b) Persia.

No. 460-I., dated the 30th July, 1928.—Printed in Appendix XXI-D.

*Remission of fees chargeable in Baroda decrees.*

No. 2266-I. B., dated the 11th October, 1916.—Printed, *supra*, page 80.





### VIII.—Orders under Acts locally applied.

#### COURT FEES ACT, 1870.

*Fees for serving and executing processes.*

No. 1612-B., dated the 1st August, 1923.—Printed, *supra*, page 81.

#### INDIAN ARMS ACT, 1878.

*Central India (Administered Areas) Arms Rules, 1921.*

No. 2070-G., dated the 27th December, 1921.—Printed, *supra*, page 86.

#### NEGOTIABLE INSTRUMENTS ACT, 1881.

*Appointment of Notaries Public.*

No. 803-B., dated the 18th June, 1915.—Printed, *supra*, page 133.

#### POLICE ACT, 1888.

*Creation of general police district, enrolment of police, etc.*

No. 875-I.B., dated the 15th March, 1921.—Printed, *supra*, page 134.

#### PRISONS ACT, 1894.

*Application of Act and Rules to subsidiary Jails at Neemuch and Sehore.*

No. 899-B., dated the 18th July, 1916.—Printed, *supra*, page 136.

*Rule for the punishment of prison officials.*

No. 259-B., dated the 9th February, 1928.—Printed, *supra*, page 135.

*Application of Act and Rules to subsidiary Jails at Neemuch and Sehore.*

No. 899-B., dated the 18th July, 1916.—Printed, *supra*, page 136.

#### CODE OF CRIMINAL PROCEDURE, 1898.

See "Orders relating to Courts", pages 639 to 642, *supra*.

*Rules regarding notification of residence by released convicts.*

No. 3174-B., dated the 16th October, 1928.—Printed, *supra*, page 141.

INDIAN STAMP ACT, 1899.

*Appointment of Collector.*

No. 865-B., dated the 12th May, 1924.—Printed, *supra*, page 143.

*Reduction and remission of duties.*

No. 2567-I. B., dated the 30th December, 1910.—Printed, *supra*, page 144.

*Application of the Indian Stamp Rules, 1925.*

No. 42-I., dated the 13th January, 1926.—Printed, *supra*, page 148.

PRISONERS ACT, 1900.

*Appointment of Central India Agency Jail for reception of persons sentenced to transportation.*

No. 1056-I. B., dated the 8th June, 1915.—Printed, *supra*, page 149.

INDIAN COINAGE ACT, 1906.

*Firms and persons empowered to cut or break counterfeit coins.*

No. 1010-C.—91-11, dated the 30th June, 1913.—Printed, *supra*, page 154.

INDIAN REGISTRATION ACT, 1908.

*Formation of districts, etc.*

No. 487-B., dated the 17th March, 1913.—Printed, *supra*, page 157.

*Rules for remuneration of Registration Officers.*

No. 1281-B., dated the 3rd September, 1918.—Printed, *supra*, page 158.

*Registration Rules.*

No. 488-B., dated the 17th March, 1913.—Printed, *supra*, page 159.

*Fees.*

No. 514-B., dated the 24th March, 1913.—Printed, *supra*, page 180.

INDIAN ELECTRICITY ACT, 1910.

*Rules.*

No. 879-I. B., dated the 24th May, 1917.—Not reprinted.

[Gazette of India. 1917. Pt. I. n. 944.]

INDIAN LUNACY ACT, 1912.

*Areas in which reception orders may be made.*

No. 1875-B., dated the 30th September, 1913.—Printed, *supra*, page 184.

*Courts to send lunatics to asylum at Nagpur.*

No. 2190-I. B., dated the 18th July, 1918.—Printed, *supra*, page 184.

WILD BIRDS AND ANIMALS PROTECTION ACT, 1912.

*Close time.*

No. 403-B., dated the 5th March, 1913.—Printed, *supra*, page 185.

CINEMATOGRAH ACT, 1918.

*Rules.*

No. 1406-B., dated the 26th July, 1921.—Printed, *supra*, page 185.

INDIAN INCOME-TAX ACT, 1922.

*Appointment of Commissioner of Income-tax.*

No. 2321-644-Intl., dated the 15th November, 1922.—Printed, *supra*, page 195.

INDIAN PAPER CURRENCY ACT, 1923.

*Currency notes, other than universal notes, which are legal tender.*

No. 311-I. B., dated the 3rd February, 1921.—Printed, *supra*, page 202.

PROVIDENT FUNDS ACT, 1925.

*Application of the Act to Provident Funds of Local Authorities.*

No. 468-B., dated the 16th February, 1929.—Printed, *supra*, page 368.

INDIAN SUCCESSION ACT, 1925.

*Appointment of office for deposit of declaration.*

No. 2343-B., dated the 6th November, 1923.—Printed, *supra*, page 368.









### IX.—Orders under Local Laws.

CENTRAL INDIA, GWALIOR AND RAJPUTANA EXCISE LAW, 1922.

*Rules regulating the import, possession and vend of denatured spirit.*

No. 1133-C., dated the 31st May, 1926.—Not reprinted.

[*Gazette of India*, 1926, Pt. II-A, p. 224.]

*Exemption of (a) certain preparations, (b) the possession and transport of drugs in certain cases.*

No. 293-C., dated the 29th January, 1923.—In exercise of the powers conferred by section 22 (2) of the Central India, Gwalior and Rajputana Excise Law, 1922,<sup>1</sup> the Agent to the Governor General in Central India, with the previous sanction of the Governor General in Council, is pleased to exempt from the operation of the said Law and of rules and notifications made and issued thereunder within the areas in Central India<sup>2</sup> [and Gwalior] to which the Law applies—

- (a) the preparations containing intoxicating drugs entered in the annexed lists, provided that their import by sea shall be permitted only by means other than that of the post, and
- (b) the possession and transport, by the person for whose use they are dispensed, of intoxicating drugs dispensed from Government Military Medical or Veterinary institutions.

2. Notification No. 2082-B., dated the 23rd October, 1922, is hereby cancelled.

#### *List of exempted preparations of Opium.*

1. Brompton Consumption and Cough Specific.
2. Mistura Pepsinæ Composita cum Bismutho.
3. Linctus Opiatus.
4. Lotio Plumbi cum Opio.
5. Mistura Scillæ Co.
6. Syrupus Camphoræ Co.
7. Tintura Anti-periodica.
8. Pulvis Ipecacuanhæ Co. or Dovers' powder.
9. Unguentum Gallæ cum Opio.

<sup>1</sup> Printed, *supra*, p. 628.

<sup>2</sup> Inserted by Notification No. 3602-C., dated the 11th December, 1923. *Gazette of India*, 1923, Pt. II-A, p. 144.

10. Enteronol or cholerosol.
11. A specific containing opium for cholera, diarrhoea and dysentery prepared by Bell Drug and Chemical Company, London, and labelled as such.
12. Cotarnina.
13. Chamberlain's Colic and Diarrhoea Remedy.
14. Codeina and its preparations and salts.

*List of exempted preparations of Morphia.*

1. Anodyne pine expectorant.
2. Apocodeinæ hydrochloridum.
3. Syrup Apomorphinæ.
4. Linctus Apomorphinæ cum Codeina.
- 4\* \* \* \*
5. Haustus Apomorphinæ Co.
6. Mistura Apomorphinæ et Terebeni.
7. Powell's Balsam of Aniseed.
8. \*Camphorodyne.
9. \*Chlorodyne.
10. Apomorphinæ Hydrochloridum.
11. Mono-ethyl-Morphinæ Hydrochloridum-Dionin.
12. Syrup Cocillana Compound.

*List of exempted preparations of cocaine.*

1. Throat Mentholated Tablets Rx. A.
2. Parke Davis & Co.'s Mentholated Throat Tablets.
3. Parke Davis & Co.'s Elixir Kola Compound.
4. Burroughs Wellcome & Co.'s Tabloid Voice.

\* Provided that they do not contain more than 2 grains of morphine per fluid ounce.

<sup>1</sup> This entry was made by Notification No. 2872-C., dated the 6th August, 1923. *Gazette of India*, 1923, Pt. II, p. 1406.

<sup>2</sup> Added by Notification No. 256-C., dated the 16th January, 1925. *Gazette of India*, 1925, Pt. II-A, p. 39.

<sup>3</sup> Inserted by Notification No. 147-C., dated the 15th April, 1926. *Gazette of India*, 1926, Pt. II-A, p. 150.

<sup>4</sup> Omitted by ditto.

<sup>5</sup> Renumbered by ditto.

<sup>6</sup> Added by Notification No. 2872-C., dated the 6th August, 1923. *Gazette of India*, 1923, Pt. II, p. 1406.

<sup>7</sup> Added by Notification No. 7297-C., dated the 22nd October, 1924. *Gazette of India*, 1924, Pt. II-A, p. 357.

<sup>8</sup> Nos. 2-8 were inserted by Notification No. 4306-C., dated the 23rd October, 1925. *Gazette of India*, 1925, Pt. II-A, p. 354.

5. Allen and Hanbury's Pastilles Methol Cocaine and Red Gum Pastilles.
6. Allen and Hanbury's Rhatnay and Cocaine.
7. Allen and Hanbury's Red Gum and Cocaine.
8. Sedna Tonic Wine.]
- <sup>1</sup>[9. Parke Davis & Co.'s Kola Compound.
10. Parke Davis & Co.'s Coca Cordial.
11. Burgoyne Burbridges' Ixidama.
12. Parke Davis & Co.'s Kola Cordial.
13. Wright & Co.'s Damiana Elixir.
14. Allen and Hanbury's Menthol Eucalyptus and Cocaine Pastilles.
15. Parke Davis & Co.'s Fluid Extract Saw Palmetto Compound.]
- <sup>2</sup>16. 'Mist Hepatica Cone' manufactured by Messrs. C. J. Hewlett and Company, London.
- <sup>3</sup>17. 'Ferrarsons' manufactured by Dr. Zambelletti of Milano.

NOTE.—Preparations Nos. 2—17 will enjoy this exemption only so long as they do not contain more than one-tenth per cent. of cocaine.

[*Gazette of India*, 1923, Pt. II, p. 192.]

*Rules to regulate dealings in opium, hemp drugs, country spirit and country fermented liquor in Sehore Cantonment.*

No. 71-B., dated the 12th January, 1923.—In exercise of the powers conferred by section 23 of the Central India, Gwalior and Rajputana Excise Law, 1922<sup>4</sup> (hereinafter called "the Law") and in supersession of Notification No. 104-B., dated the 20th January, 1920, and of Notification No. 238-B., dated the 5th February, 1920, the Agent to the Governor General in Central India is pleased to make the following rules to regulate in the Cantonment of Sehore the import, transport, export, manufacture, possession and sale of raw opium, admixtures of opium, prepared opium, hemp drugs, country spirit and country fermented liquor.

*Definitions.*

1. In these rules, excepting where a contrary intention appears from the context,—

- (a) "licensed wholesale dealer" means a person holding a license granted by an authorised officer of the Bhopal State, in

<sup>1</sup> Nos. 9—15 were inserted by Notification No. 1768-C., dated the 16th June, 1926. *Gazette of India*, 1926, Pt. II-A, p. 240.

<sup>2</sup> Inserted by Notification No. 4245-C., dated the 5th October, 1926. *Gazette of India*, 1926, Pt. II-A, p. 369.

<sup>3</sup> Inserted by Notification No. 1115-B., dated the 8th June, 1927. *Gazette of India*, 1927, Pt. II-A, p. 286.

<sup>4</sup> Printed, *supra*, p. 628.

accordance with the rules in force under the Opium and other Intoxicating Drugs Law of the Bhopal State, for the sale by wholesale of raw opium;

- (b) "licensed retail vendor" means a person holding a license granted under these rules for the sale by retail of raw opium, of hemp drugs, of country spirit, or of country fermented liquor, as the case may be;
- (c) "Political Agent" means the Political Agent in Bhopal;
- (d) "Superintendent" means the Superintendent and Magistrate of Sehore.

*Import by or on behalf of licensed retail vendors.*

2. *Raw opium.*—A licensed retail vendor of raw opium will ordinarily be permitted to obtain not less than 20 seers of raw opium at a time. He shall, at least twenty days before the same is required, pay to the Superintendent the price and duty, at the rates from time to time in force, chargeable in respect of the quantity required by him. The Superintendent will pay the price and duty into the treasury and forward the Treasury Receipt to the Excise Commissioner for Central India, who will despatch the opium by passenger train, insured, to the Superintendent. The consignment shall be examined by the Superintendent and compared with the accompanying pass issued by the Excise Commissioner for Central India, and shall then be delivered by him to the licensed retail vendor.

3. All charges on account of the transport of the consignment from the Sehore Railway Station and of labour employed in handling the same, and unless his license otherwise provides all charges on account of railway freight and insurance shall be paid to the Superintendent by the retail vendor before the opium is delivered to him. The licensed retail vendor shall not be entitled to any refund by reason of any loss of weight by dryage which may occur in transit.

4. *Charas, ganja and bhang.*—Subject to the conditions of his license, a licensed retail vendor of hemp drugs may import for use in his business ganja, charas and bhang, in quantities not less than a seer at a time of each drug "from" such warehouses or other places as may be specified in that behalf in his license or prescribed by the Political Agent, after paying to the Superintendent the duty at the rate from time to time in force and obtaining from him a pass for the import of the drug. Such

\* Substituted by Notification No. 1127-B., dated the 6th June, 1924. Gazette of India, 1924, Pt. II-A, p. 206.

import shall be by railway only, and it shall be the duty of the importer to convey each consignment direct from the Sehore railway station to such place as may be prescribed in that behalf by the Superintendent and there to present the same, unopened, together with the accompanying pass, for examination by the Superintendent.

5. *Country spirit*.—Subject to the conditions of his license, a licensed retail vendor of country spirit may import country spirit from such place as may be specified in that behalf in his license or prescribed by the Political Agent. Such import shall be by railway only, and the licensed retail vendor shall on the arrival of each consignment at the Sehore Railway Station take delivery of the same in such manner and in the presence of such officer as may be specified in his license or prescribed by the Superintendent, and thereafter remove the same direct to the warehouse established for the storage of the same. He shall there afford to the Superintendent or other officer appointed by him in that behalf all facilities for the gauging and proving of the same, and shall forthwith pay to the Superintendent duty at the rate from time to time in force on the quantity thus ascertained to have been received.

*Import and Export otherwise than by licensed retail vendors or licensed wholesale dealers.*

6. *Without a license or pass*.—Any person entering or leaving the Cantonment may import or export, as the case may be, in his personal possession and for his personal or domestic use but not for sale, the articles hereinafter mentioned lawfully in his possession, in quantities not exceeding at one time those hereinafter specified, *viz.* :—

Raw opium and admixtures of opium, in the aggregate . . . . .	3 tolas.
Prepared opium . . . . .	$\frac{1}{2}$ tola.
Charras, ganja and preparations and admixtures thereof, in the aggregate . . . . .	5 tolas.
Bhang and preparations and admixtures thereof, in the aggregate . . . . .	20 tolas.
Country spirit . . . . .	1 seer.
Country fermented liquor . . . . .	4 seers.

7. *In transit under a pass*.—Any person may import and export any quantity of country spirit, country fermented liquor, raw opium, admixtures of opium or hemp drugs lawfully in transit through the Cantonment in his charge in accordance with the conditions under which the import, transport and export of the same are permitted by proviso 1 of section 6 of the Law and with the conditions of the pass mentioned therein.

*Export of raw opium by licensed wholesale dealers and by persons authorized to purchase from them.*

8. Raw opium the lawful property of a licensed wholesale dealer, or lawfully purchased from a licensed wholesale dealer, may be exported from the Sehore Cantonment to a State or area in Central India or Rajputana by any person authorised under the rules in force under the Opium and other Intoxicating Drugs Law of the Bhopal State to export the same, whether to a place within the Bhopal State or to a place beyond the limits of the Bhopal State. Provided that before the opium is exported the licensed wholesale dealer exporting or selling the same shall—

- (a) produce for inspection by the Superintendent a written authority, granted by the proper officer of the Bhopal State, authorising the removal of the same into or beyond the limits of the Bhopal State, and also, if the opium is to be exported to a place beyond the limits of the Bhopal State, a pass or other document granted by a proper officer of the State or area of destination, authorising the import of the opium into such State or area,
- (b) obtain the Superintendent's permission, endorsed on the written authority for export, to export the same from the Cantonment, and
- (c) if the opium is to be exported to a place beyond the limits of the Bhopal State, be responsible for its conveyance, direct and without breaking bulk, to the Customs office of the Bhopal State in the Sehore-Kasba, and for the prompt production before the Superintendent of a certificate, granted by the Officer in charge of the said Customs office, showing the quantity of opium presented before him for export from the State.

*Possession and transport.*

9. Subject to, and in accordance with the conditions of his license:

- (i) *Of opium, by licensed wholesale dealers.*—A licensed wholesale dealer may possess at his licensed premises, or in direct transit thereto from places within the Cantonment from which he has lawfully obtained it, any quantity of raw opium,
- (ii) *Of opium, by licensed retail vendors.*—A licensed retail vendor of opium may possess at his licensed premises, or in

direct transit thereto from the place at which it has been examined in accordance with rule 2, any quantity of raw opium lawfully obtained by him under that rule,

(iii) *Of hemp drugs, by licensed retail vendors.*—A licensed retail vendor of hemp drugs may possess at his licensed premises, or in direct transit thereto from the place at which it has been examined in accordance with rule 4, any quantity of charas, ganja or bhang lawfully imported by him under that rule,

(iv) *Of country spirit, by licensed retail vendors.*—A licensed retail vendor of country spirit may possess—

(a) at the warehouse established for the storage of country spirit, or in direct transit thereto from the railway station,

(b) at his licensed premises or in direct transit thereto from the said warehouse, any quantity of country spirit lawfully imported by him under rule 5,

(v) *Of country fermented liquor, by licensed retail vendors.*—A licensed retail vendor of country fermented liquor may possess at his licensed premises or in direct transit thereto any quantity of country fermented liquor obtained by him in the manner prescribed in his license:

Provided that no licensed wholesale dealer or licensed retail vendor shall possess at his licensed premises any quantity of prepared opium or admixtures of opium or preparations or admixtures of ganja, charas or bhang.

10. *Without a license or pass.*—Any person may possess and transport the articles mentioned in Rule 6, in quantities not exceeding at one time those specified therein.

Provided that the same shall have been—

(a) in the case of raw opium, charas, ganja, bhang, country spirit and country fermented liquor, lawfully imported under Rule 6 or lawfully purchased from a licensed retail vendor,

(b) in the case of admixtures of opium, prepared opium, and preparations and admixtures of charas, ganja or bhang, lawfully imported under Rule 6, or lawfully manufactured from raw opium, charas, ganja or bhang, lawfully purchased from a licensed retail vendor or lawfully imported under Rule 6:

Provided also that no assemblage of 2 or more persons shall possess collectively more than 1 tola in the aggregate of prepared opium.



11. *In transit under a pass.*—Any person may possess and transport in direct transit through the Cantonment any quantity of country spirit, country fermented liquor, raw opium, admixtures of opium or hemp drugs in accordance with the conditions under which the import, transport and export of the same are permitted by proviso 1 of section 6 of the Law and with the conditions of the pass mentioned therein.

### *Manufacture.*

12. Any person may manufacture, for private consumption and not for sale, from raw opium, charas, ganja or bhang lawfully in his possession under Rule 10, admixtures of opium, prepared opium, and preparations and admixtures of charas, ganja or bhang.

### *Sale.*

13. *Of raw opium, by a licensed wholesale dealer.*—Subject to the conditions of his license, a licensed wholesale dealer may sell raw opium, in quantities of not less than a seer at a time.

- (a) to another licensed wholesale dealer,
- (b) to a contractor for the retail sale of opium in the Bhopal State,
- (c) for export to a place beyond the limits of the Bhopal State:

Provided in cases (b) and (c), and also in the case of sale to a licensed wholesale dealer whose licensed premises are situated elsewhere than in the Sehore Cantonment, that he shall not permit the opium to be removed by the purchaser until the Superintendent's permission for the export of the same shall have been obtained as required by Rule 8.

14. *Of raw opium, by a licensed wholesale dealer to a Government Medical Officer.*—A licensed wholesale dealer may sell manufactured opium in any quantity not less than  $\frac{1}{2}$  seer at a time to a Government Medical Officer on the production of a special permit from the Political Agent authorising the purchase of such opium for [medicinal]<sup>1</sup> purposes.

**NOTE.**—Such permits shall be issued in duplicate. One copy, with the date of the purchase and the quantity of opium purchased endorsed on it by the Medical Officer, shall be retained by the licensed wholesale dealer as his authority for the sale. The other copy with the name of the licensed wholesale dealer, the number of his license, and the amount sold endorsed on it by the licensed wholesale dealer and signed by him, shall be returned by the Medical Officer to the Political Agent and by him forwarded to the proper officer of the Bhopal State.

15. *Of raw opium, hemp drugs, country spirit and country fermented liquor by licensed retail vendors.*—Subject to the conditions of his

<sup>1</sup> Substituted by Notification No. 1127-B, dated the 6th June, 1924. *Gazette of India, 1924, Pt. II-A, p. 208.*

license, a licensed retail vendor may sell to any person not being a lunatic, child under 14 years of age, or person in a state of intoxication :

Raw opium in quantities not exceeding at one time or in one day . . . . .	3 tolas.
Charas and ganja not exceeding in the aggregate at one time or in one day . . . . .	5 tolas.
Bhang not exceeding at one time or in one day . . . . .	20 tolas.
Country spirit not exceeding at one time or in one day . . . . .	1 seer.
Country fermented liquor not exceeding at one time or in one day . . . . .	4 seers.

Provided that the same shall have been lawfully obtained by him in the manner prescribed in Rules 2—5, or in the case of country fermented liquor in the manner prescribed in his license.

#### *Disposal of licenses for retail sale.*

16. Licenses for the sale by retail of raw opium, of charas, ganja and bhang and of country spirit at such shops as may from time to time be established by the Political Agent shall be sold by auction or otherwise disposed of by the Political Agent with the concurrence of the Excise Commissioner for Central India. The successful candidate should ordinarily be required to deposit two months' license fees in advance as security for the fulfilment of the conditions of his license. Licenses should ordinarily comprise the conditions contained in the annexed forms and such other conditions as may be approved by the Political Agent with the concurrence of the Excise Commissioner for Central India. Licenses for the sale of raw opium and of hemp drugs should ordinarily be granted for not more than two years and licenses for the sale of country spirit for not more than 3 years.

17. The Political Agent may also, with the concurrence of the Excise Commissioner for Central India, allot by auction or otherwise a license for the retail sale of country fermented liquor. Every such license shall—

- (i) ordinarily be granted for not more than one year;
- (ii) require the licensee to obtain his supplies of country fermented liquor from sources within the Cantonment, and specify the sources from which and the conditions on which such supplies shall be obtained;
- (iii) ordinarily contain conditions corresponding with conditions 1—5, 8—13, and 15—19 of the form of license for the sale by retail of country spirit.

#### *Supplies of country spirit.*

18. Arrangements for the supply from a distillery of the country spirit required for sale in the Sehore Cantonment shall from time to time

be made by the Political Agent with the concurrence of the Excise Commissioner for Central India.

### *Prices and duties.*

19. The price at which raw opium will be supplied under <sup>1</sup>[Rule 2] is fixed at Rs. 16 per seer. The following import duties are prescribed:—

	Ra.	A.
Raw opium . . . . .	<sup>1</sup> [22]	0 per seer.
Charas . . . . .	<sup>2</sup> [32]	0 per seer.
Ganja . . . . .	5	0 per seer.
Bhang . . . . .	1	0 per seer.
Country spirit . . . . .	<sup>3</sup> [8	4] per proof gallon.

NOTE.—In the case of charas, ganja and bhang the foregoing duties are additional to the duties, if any, levied at the sources of supply.

### *General.*

20. Returns of wholesale dealers licenses for the Sehore Cantonment issued, renewed or cancelled from time to time under the rules in force under the Opium and other Intoxicating Drugs Law of the Bhopal State will be supplied periodically by the proper officer of the State to the Superintendent.

21. An authorised officer of the Bhopal State will be permitted, on previous notice being given to the Superintendent to inspect, check and verify the stocks of opium in the hands of licensed wholesale dealers, in company with an officer deputed by the Superintendent. In the event of a discrepancy between the book balance and the actual balance, the latter will be certified by the officer so deputed as well as by the State Officer.

### *License for the retail sale in the Sehore Cantonment of country spirit and counterpart of the same.*

License to sell country spirit by retail in the Sehore Cantonment at the premises known as situated at  
is hereby granted to (hereinafter referred to as the licensee)  
for the term of commencing on the and  
ending on the subject to the following conditions, the  
infraction of any of which, or of any of the provisions of the Central India, Gwalior and Rajputana Excise Law, 1922 (hereinafter referred to as "the Law"), or of the rules made thereunder, by the licensee or

<sup>1</sup> Substituted by Notification No. 1127-B., dated the 6th June, 1924. *Gazette of India*, 1924, Pt. II-A, p. 206.

<sup>2</sup> Substituted by Notification No. 3432-B., dated the 15th November, 1926. *Gazette of India*, 1926, Pt. II-A, p. 373.

<sup>3</sup> Substituted by Notification No. 268-B., dated the 2nd February, 1928. *Gazette of India*, 1928, Pt. II-A, p. 50.

by any person employed by him or acting under his orders, or by his authority or with his knowledge and consent, shall render the license liable to cancellation by order of the officer by whom it was granted (hereinafter called the licensing officer) without prejudice to any other penalty to which the licensee or the person committing such infraction may be liable under the Law:—

I. That the licensee shall pay to Government the sum of Rs. in the following instalments (in addition to the sum of Rs. being one-sixth of the sum annually payable—already deposited by the licensee, which, if it be not intermediately forfeited by the licensee for default or breach of any other condition of this license, shall be set off against the 11th and 12th instalments), *viz.* :—

Rs.

On the 1st of

\*

\*Here insert in order the names of the first ten months of the excise year and the instalments, each of which will be one-twelfth of the annual payment.


NOTE.—(1) When the period of the license exceeds one year, the instalments for all but the last two months of the period of the license will be entered, and the words "11th" and "12th" suitably replaced.

(2) In cases where Government Promissory Notes have been deposited as security, the words within brackets will be omitted, and the requisite instalments for the last two months of the excise year added to the list of instalments.

2. That the deposit mentioned in the foregoing condition shall not, in the event of default or infraction of any condition of this license, or of any of the provisions of the Law, or of the rules made thereunder, by the licensee or by any person employed by him or acting under his orders, or by his authority, or with his knowledge and consent, be reclaimable by the licensee.

NOTE.—In cases where Government Promissory Notes have been deposited as security, the following condition shall be substituted:—

That in the event of default or breach of any of the conditions of this license, or of any of the provisions of the law, or of the rules made thereunder, by the licensee or by any person employed by him or acting under his orders, or by his authority, or with his knowledge and consent, the Promissory Notes deposited as security for the fulfilment of the conditions of this license shall vest in Government and shall not be reclaimable by the licensee.

3. That it shall be competent to the licensing officer, on cancellation of the license and forfeiture of the deposit, to re-dispose of the license at the risk of the licensee, and, after deducting the forfeited deposit from any loss arising from the re-disposal, to recover the remainder from the licensee in the manner provided by section 14 of the Law, and that the licensee shall not be entitled to any portion of the profit, if any, that may arise from the re-disposal.

4. That the business covered by this license shall not be sub-let or transferred without the written permission of the licensing officer, nor shall an agent be appointed, without the permission endorsed on this license of the said officer or of the Superintendent of Sehore (hereinafter called the Superintendent), for the management of the business covered by this license. That no person suffering from leprosy or other infectious or contagious disease and no child under 14 years of age shall under any circumstances be employed in the transport, handling or sale of spirit or otherwise in the business covered by this license; and that no woman shall be employed, during the hours in which the premises are kept open for business, in any part of such premises in which country spirit is or may be consumed by the public.

5. That the licensee shall not, without the permission in writing of the Superintendent, hold or acquire any interest in a license, or farm of the fees leviable on licenses, for the retail sale in the Cantonment of any other excisable commodity, nor shall he, without such permission, employ any person holding such an interest.

6. That the shop for which this license is granted shall, unless its closure be specially authorised by the Superintendent, be kept open throughout the year, and that a supply of country spirit sufficient to meet the demands of consumers shall be maintained.

7. That sale of country spirit only shall be made, and that sale or admixture therewith of foreign spirit shall on no pretext be made or attempted. That no country spirit shall be sold except such as shall have been lawfully obtained from \_\_\_\_\_ + \_\_\_\_\_ in the manner prescribed by the rules made under the Law, and in accordance with and subject to the further conditions hereinafter specified (conditions \_\_\_\_\_), and that such spirit shall not be adulterated in any way.

8. That sale shall be made only at the premises for which this license is granted and not elsewhere, and that the licensee shall not without a pass possess country spirit excepting at such premises, or at the warehouse established for the storage of country spirit, or in direct transit from the warehouse to the said premises or from the Sehore Railway Station to the warehouse, as the case may be.

+ Here insert the name of the place from which supplies are to be obtained.

9. That no spirit shall be sold or consumed on the premises between 9 P.M. and sunrise.

10. That a signboard shall be put up in a conspicuous place outside the premises, bearing the licensee's name and the designation "\_\_\_\_\_, Licensee for the retail sale of country spirit."

11. That if a room for private accommodation is provided, access to the same shall be only through the shop or by an entrance at the side of the shop. In the latter case a signboard shall be fixed at the entrance similar to the one fixed outside the shop.

12. That nothing except money shall be taken in barter for spirit and that all spirit sold shall be paid for on the spot in cash.

13. That not more than one seer of spirit shall be sold to, or removed from the shop by one person at any one time or in one day without a special permit from the Superintendent.

14. That spirit shall be sold only at the following

strengths and <sup>† prices</sup> † at prices not lower than the following, viz. :—  
† at prices not higher than the following

Strength.

Price per bottle of 8 drams.

Rs. As.

\_\_\_\_\_ U. P.

\_\_\_\_\_ U. P.

and that a notice signed by the Superintendent and stating the prices at which the sale of spirit is authorised shall be conspicuously exhibited at the shop.

15. That no country spirit shall be sold or in any way supplied to any European non-commissioned officer or soldier, or to any European or Anglo-Indian being a camp follower, or to any soldier's wife or child, excepting under the written permission of the Commanding Officer of the station or of some person authorised by the Commanding Officer to grant such permission, or to any Policeman, Excise officer, or Railway servant on duty, or to any insane or intoxicated person, or to any child under 14 years of age, or to any person who is and whom the licensee or his salesman knows or has reason to believe to be a Railway servant stationed at Sehore, whether the said servant is on duty or otherwise.

16. That no disorderly conduct or gaming shall be allowed in the shop, that persons of notoriously bad character shall not be permitted to

† One or more of these entries to be deleted in accordance with the circumstances of the case.

resort to the shop, that no person shall be harboured in the shop during the night, and that the licensee shall give immediate information to the nearest Magistrate or Police officer of the resort to the shop of any person suspected of having committed a cognisable and non-bailable offence.

17. That if so required by the Superintendent the licensee shall keep an account showing the daily receipts and sales of spirit at his shop and the balance in store. That the licensee shall at once produce his license and accounts (if any) for the inspection of the Superintendent or of any person generally or specially authorised by him in this behalf, and shall at all times give entry to the shop to the Military Police, or to any Police or Excise officer exercising powers not inferior to those of a Sub-Inspector of Police.

18. That no weights or measures except such as shall previously have been approved by the Superintendent shall be used at the shop.

19. This license is granted subject to the provisions of the Law, and of the rules made thereunder. It shall have effect from the to the and unless renewed by the latter date by special order of the licensing officer shall thereafter cease to remain in force, notwithstanding that a special order recalling it has not been issued by the licensing officer. It shall also cease to remain in force on the 1st day of any previous month in respect of which the licensee shall have failed to pay the instalment reserved by the 1st condition of this license. It shall likewise immediately cease to operate in the event of the death of the licensee during the currency of the license. It may be forfeited by order of the licensing officer for any reason stated in the preamble or in the event of the holder being convicted of any criminal offence.

*Signature*

*Date*

#### COUNTERPART.

I the abovementioned licensee, do hereby accept the foregoing conditions.

*Signature*

*Date*

*License for the retail sale in the Sehore Cantonment of <sup>opium\*</sup>  
hemp drugs.*

License to sell the above by retail at the premises known as  
 situated at \_\_\_\_\_ is hereby  
 granted to \_\_\_\_\_ (hereinafter referred to as the licensee)  
 for the term of \_\_\_\_\_ commencing on the \_\_\_\_\_  
 and ending on the \_\_\_\_\_ subject to the following  
 conditions the infraction of any of which, or of any of the provisions of  
 the Central India, Gwalior and Rajputana Excise Law, 1922 (hereinafter  
 referred to as "the Law"), or of the rules made thereunder, by the  
 licensee, or by any person employed by him or acting under his orders,  
 or by his authority, or with his knowledge and consent, shall render the  
 license liable to cancellation by order of the officer by whom it was  
 granted (hereinafter called the licensing officer) without prejudice to any  
 other penalty to which the licensee or the person committing such in-  
 fraction may be liable under the Law:—

1. That the licensee shall pay to Government the sum of Rs.  
 in the following instalments (in addition to the sum of Rs. —  
 being one-sixth of the sum annually payable—already deposited by the  
 licensee, which if it be not intermediately forfeited by the licensee for  
 default or breach of any other conditions of this license, shall be set off  
 against the 11th and 12th instalments), viz.:—

Rs.

On the 1st of

†

† Here insert in order the  
 names of the 1st ten months of  
 the Excise year and the instal-  
 ments each of which will be  
 one-twelfth of the annual pay-  
 ment.

NOTE.—(1) When the period of the license exceeds one year, the instalments for  
 all but the last two months of the period of the license will be entered, and the  
 words "11th" and "12th" suitably replaced.

(2) In cases where Government Promissory Notes have been deposited as secu-  
 rity, the words within brackets will be omitted, and the requisite instalments for  
 the last two months of the Excise year added to the list of instalments.

2. That the deposit mentioned in the foregoing condition shall not,  
 in the event of default or infraction of any condition of this license, or  
 of any of the provisions of the Law, or of the rules made thereunder, by  
 the licensee or by any person employed by him or acting under his orders,

\* For explanation see footnote at end.



or by his authority, or with his knowledge and consent, be reclaimable by the licensee.

**NOTE.**—In cases where Government Promissory Notes have been deposited as security, the following condition shall be substituted:—

That in the event of default or breach of any of the conditions of this license, or of any of the provisions of the Law, or of the rules made thereunder, by the licensee or by any person employed by him or acting under his orders, or by his authority, or with his knowledge and consent, the Promissory Notes deposited as security for the fulfilment of the conditions of this license shall vest in Government and shall not be reclaimable by the licensee.

3. That it shall be competent to the licensing officer, on cancellation of the license and forfeiture of the deposit, to re-dispose of the license at the risk of the licensee and, after deducting the forfeited deposit from any loss arising from the re-disposal, to recover the remainder from the licensee in the manner provided by section 14 of the Law, and that the licensee shall not be entitled to any portion of the profit, if any, that may arise from the re-disposal.

4. That the business covered by this license shall not be sub-let or transferred without the written permission of the licensing officer, nor shall an agent be appointed, without the permission endorsed on this license of the said officer or of the Superintendent of Sehore (hereinafter called the Superintendent), for the management of the business covered by this license. That no person suffering from leprosy or other infectious or contagious disease, no woman and no child under 14 years of age shall under any circumstances be employed in the transport, handling or sale of opium  
hemp drugs, or otherwise in the business covered by the license.

5. That the licensee shall not, without the permission in writing of the Superintendent, hold or acquire any interest in a license, or farm of the fees leviable on licenses, for the retail sale in the area served by this license of any other excisable commodity, nor shall he, without such permission, employ any person holding such an interest.

6. That the shop for which this license is granted shall, unless its closure be especially authorised by the Superintendent, be kept open throughout the year, and that a supply of opium  
charas, ganja and bhang sufficient to meet the demands of consumers shall be maintained.

7. That no opium  
hemp drugs shall be possessed or sold by or on behalf of the licensee except raw opium  
charas, ganja and bhang lawfully obtained by the licensee in the manner prescribed by the rules, that no prepared  
opium or admixture of opium  
preparation or admixture of charas, ganja or bhang shall be sold or possessed on the premises covered by this license, and that the opium  
charas, ganja and bhang offered for sale shall not be adulterated.

8. That sale shall be made only at the premises for which this license is granted and not elsewhere, and that the licensee shall not without a



the night, and that the licensee shall give immediate information to the nearest Magistrate or Police officer of the resort to the shop of any person suspected of having committed a cognisable and non-bailable offence.

16. That unless specially exempted by the Superintendent from doing so, the licensee shall keep an account showing the daily receipts and sales of  $\frac{\text{opium}}{\text{hemp drugs}}$  at his shop, and the balance in store. That the licensee shall at once produce his license and accounts (if any) for the inspection of the Superintendent or of any person generally or specially authorised by him in this behalf, and shall at all times give entry to the shop to the Military Police, or to any police or Excise officer exercising powers not inferior to those of a Sub-Inspector of Police.

17. That no weights or measures except such as shall previously have been approved by the Superintendent shall be used at the shop.

18. That the licensee shall be bound, if the Superintendent so directs, to purchase at a price fixed by the Superintendent the residue of the previous licensee's stocks of  $\frac{\text{opium}}{\text{hemp drugs}}$  to the extent of two months' supply. Provided that he shall be required to purchase only such  $\frac{\text{opium}}{\text{hemp drugs}}$  as shall be of good quality and in good condition.

19. This license shall have effect from the \_\_\_\_\_ and unless renewed by the latter date by special order of the licensing officer shall thereafter cease to remain in force, notwithstanding that a special order recalling it has not been issued by the licensing officer. It shall also cease to remain in force on the 1st day of any previous month in respect of which the licensee shall have failed to pay the instalment reserved by the 1st condition of this license. It shall likewise immediately cease to operate in the event of the death of the licensee during the currency of the license. It may be forfeited by order of the licensing officer for any reason stated in the preamble or in the event of the holder being convicted of any criminal offence.

*Signature*

*Date*

#### COUNTERPART.

I, \_\_\_\_\_, the abovementioned licensee, do hereby accept the foregoing conditions.

*Signature*

*Date*

NOTE.—Where two alternative entries appear, the upper alternative is intended for opium licenses and the lower alternative for hemp drugs licenses. When a joint license is granted for the sale of both opium and hemp drugs, both sets of entries should be allowed to stand.

[*Gazette of India*, 1923, Pt. II, p. 82.]

*Central India Morphine and Cocaine Rules, 1922.*

No. 2394-B., dated the 12th December, 1922.—In exercise of the powers conferred by section 23 of the Central India, Gwalior and Rajputana Excise Law, 1922,<sup>1</sup> the Agent to the Governor General in Central India is pleased to make the following rules for the areas in Central India <sup>2</sup>[and Gwalior] to which the Law applies, viz.:—

## I.—DEFINITIONS.

1. These rules may be cited as the Central India Morphine and Cocaine Rules, 1922.

2. In these rules, unless there is something repugnant in the subject or context—

(a) "The Law" means the Central India, Gwalior and Rajputana Excise Law, 1922.

(b) "Approved practitioner" means—

(i) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the registration of medical practitioners for the time being in force in any part of British India, or

(ii) any person registered as a dentist under the Dentists Act, 1878, and any Act of Parliament amending the same, or

(iii) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentists Act, 1878, and any Act of Parliament amending the same Acts or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India, and approved by the local excise authority for the purpose of these rules, or of corresponding rules for the time being in force in any part of British India,

(iv) any other person engaged in medical or veterinary practice and approved by the Chief Excise Authority for the purpose of these rules or of corresponding rules for the time being in force in any part of British India.

(c) "Chief Excise Authority" means the Excise Commissioner for Central India and includes any other officer who may be appointed by the Agent to the Governor General in

<sup>1</sup> Printed, *supra*, p. 628.

<sup>2</sup> Inserted by Notification No. 244-B., dated the 13th November, 1923. *Gazette of India*, 1923, Pt. II-A, p. 106.

Central India, by name or by virtue of his office, to perform generally or in any specified area all or any of the functions of Chief Excise Authority for the purpose of these rules.

- (d) " Dangerous drug " includes medicinal opium, morphine and cocaine.
- (e) " Licensed dealer " means a person who has obtained a license under these rules for the manufacture, possession and sale otherwise than on prescription of dangerous drugs or of any of them.
- (f) " Licensed chemist " means a person who has obtained a license under these rules for the manufacture, possession and sale on prescription of dangerous drugs or of any of them.
- (g) " Local excise authority " means—
  - (i) in the case of the Cantonment of Sehore, the Superintendent of Sehore,
  - (ii) in the case of the Sutna Agency Area, the Political Agent, Baghelkhand,
  - (iii) elsewhere, the Chief Excise Authority.
- (h) " Prescription " means a prescription given by an approved practitioner for the supply of a dangerous drug or drugs to a patient, which must state the name and address of the patient and must be dated and signed by the practitioner with his full name and address and qualifications.

## II.—MANUFACTURE.

3. A person authorised in this behalf by the local excise authority by an order made under rule 22 may manufacture dangerous drugs from raw opium or from dangerous drugs lawfully possessed by him.

4. A licensed dealer or a licensed chemist may, subject to the conditions of his license, manufacture dangerous drugs from raw opium or from dangerous drugs lawfully possessed by him.

## III.—POSSESSION.

5. Any person may possess, such quantity of dangerous drugs as has at one time been dispensed for his use in accordance with the provisions of rule 20, or of corresponding regulations or rules for the time being in force in any part of British India.

6. An approved practitioner may possess, for his use in his practice, but not for sale, not more than 120 grains of medicinal opium, 120 grains of morphine and 240 grains of cocaine:

Provided that the local excise authority may, by special order authorise any such practitioner to possess as aforesaid any larger quantity of any drug.

7. A person authorised in this behalf by the local excise authority by an order made under rule 22 may possess such quantity of dangerous drugs in such manner as may be specified in such order.

8. A licensed dealer or licensed chemist may possess such quantity of dangerous drugs in such manner as may be specified in his license.

9. A person to whom a pass has been granted under these rules for the import, export or transport of dangerous drugs may possess such quantity of dangerous drugs in such manner as may be specified in his pass.

#### IV.—IMPORT, EXPORT AND TRANSPORT.

10. Any person may import, export and transport such dangerous drugs as he may lawfully possess under rule 5.

11. An approved practitioner may import, export and transport such dangerous drugs as he may lawfully possess under rule 6.

12. A person authorised in this behalf by the local excise authority by an order made under rule 22 may import such quantity of dangerous drugs in such manner as may be specified in such order, on an indent countersigned by a Chief Medical Officer or Civil Surgeon or Superintendent of the Civil Veterinary Department.

13. A person to whom a pass has been granted under these rules for the import of dangerous drugs may import such quantity of dangerous drugs in such manner as may be specified in his pass.

14. When a pass has been granted (a) under the rules for the time being in force in any part of British India, (b) by the local excise authority of an area to which the Law applies, or (c) by the Resident or Political Agent in any Native State to bring dangerous drugs from any area to which the law applies into such part, area, or State and when such pass has been countersigned by the local excise authority of the area from which the dangerous drugs are to be brought in accordance with these rules, a licensed dealer may, subject to the conditions of his license, export such quantity of dangerous drugs in such manner within such period and by such route as may be specified in such pass.

An indent for dangerous drugs countersigned by a Chief Medical Officer or Civil Surgeon or Agency Surgeon or Superintendent of the Civil Veterinary Department shall, for the purposes of this rule, be deemed to be a pass and shall not require further countersignature.

15. A person authorised in this behalf by the Chief Excise Authority by a special order made under rule 23 may export such quantity of dangerous drugs in such manner as may be specified in such order.

16. A person to whom a pass has been granted under these rules for the transport of dangerous drugs may transport such quantity of dangerous drugs in such manner as may be specified in his pass.

17. Every person importing, exporting or transporting dangerous drugs shall comply with such general or special directions as may be given by the Chief Excise Authority.

18. Nothing in these rules shall be deemed to permit—

(1) the import of dangerous drugs—

(a) from any part of British India, unless the rules for the time being in force in such part relating to the export of dangerous drugs have been complied with,

(b) from any foreign territory, unless the duty leviable at the place of importation under the Indian Tariff Act, 1894, or any other enactment for the time being in force, has been paid, and the pass has been endorsed by the Customs Collector;

(2) the import, export or transport of dangerous drugs by post.

<sup>1</sup>[Provided that any person licensed to possess and sell or otherwise authorized to possess and dispense dangerous drugs shall be at liberty to import, export or transport such drugs by inland post under the following conditions, namely:—

(a) Only the parcel post shall be used and the parcel shall be insured.

(b) The parcel shall be covered by a permit which shall, in the case of transmission to any area in Central India and Gwalior to which the Law applies, be issued by the local excise authority and in all other cases by the proper authority in the province or other area to which the parcel is addressed.

(c) The parcel shall be accompanied by a declaration showing the names of the consignee and the consignor, the contents of the parcel in detail, the permit number and date covering the transmission and the numbers of the licenses held by the consignor and by the consignee, if any.

(d) The consignor and the consignee, if he is a licensee, shall show distinctly in their account books the names of the consignee and consignor, respectively, and the quantities of dangerous drugs transmitted by and to them from time to time by post.]

<sup>1</sup> Added by Notification No. 1844-B., dated the 17th September, 1927. *Gazette of India*, 1927, Pt. II-A, p. 406.

## V.—SALE AND DISPENSING.

19. A licensed dealer may, subject to the conditions of his license, sell or supply otherwise than on prescription—

- (a) to a dealer or chemist licensed under these rules or under the rules for the time being in force in any part of British India,
- (b) to an approved practitioner,
- (c) to a person authorised under rule 22 of these rules or under any corresponding rule for the time being in force as aforesaid,

dangerous drugs not exceeding the quantity which such dealer, chemist, practitioner or person may lawfully possess. He shall maintain a written record of every such sale in such manner as the Chief Excise Authority may direct, and every package or bottle of cocaine<sup>1</sup> sold by him shall be clearly marked with the quantity and percentage of cocaine contained in it.

20. (a) A person authorised in this behalf by the local excise authority by an order made under rule 22 may dispense dangerous drugs in such manner as may be specified in such order.

(b) A licensed chemist may dispense dangerous drugs on prescription, subject to the following conditions, namely:—

- (a) He shall dispense dangerous drugs in such quantity and for the use of such person only as may be specified in the prescription.
- (b) He shall in every case enter on the prescription the date of dispensing, and shall sign or seal the prescription giving his name and address.
- (c) If the prescription does not bear a superscription by an approved practitioner stating that it is to be repeated, and at what interval of time it is to be repeated, and how many times it is to be repeated, he shall dispense dangerous drugs once only on such prescription, and shall retain the prescription; provided that he shall first warn the person presenting the prescription that unless it bears such a superscription as aforesaid it will be retained.
- (d) If the prescription bears a superscription as aforesaid, but it appears that dangerous drugs have already been dispensed on the prescription six times or such number of times as the prescription is required to be repeated, or that the interval specified in the superscription has not elapsed since the

<sup>1</sup> Omitted by Notification No. 500-B., dated the 11th March, 1924. *Gazette of India*, 1924, Pt. II-A., p. 96.



prescription was last dispensed, he shall not dispense dangerous drugs on such prescription unless it is further superscribed in that behalf by an approved practitioner.

(e) Every package or bottle of cocaine dispensed by him shall be clearly marked with the quantity and percentage of cocaine contained in it.

(f) Any other conditions that may be contained in his license.

He shall maintain a written record of every such dispensing in such manner as the Chief Excise Authority may direct.

#### VI.—APPROVAL, AUTHORISATION, LICENSES AND PASSES.

21. (1) The Chief Excise Authority may approve, for the purposes of rule 2 (b) of these rules, any person engaged in Medical or Veterinary practice.

(2) The local excise authority may in like manner approve any person possessed of the qualifications specified in rule 2 (b) (iii).

22. The local excise authority may, with the sanction of the Chief Excise authority, by general or special order authorise any approved practitioner in managing or supervising charge of a hospital or dispensary to import, transport, manufacture, possess and dispense such quantity of dangerous drugs in such manner as may be specified in such order.

23. The Chief Excise Authority may by special order authorise any person to export dangerous drugs.

24. (1) An officer empowered in this behalf by the Chief Excise Authority may grant to any person a dealer's license, permitting him to manufacture, possess, and subject to the provisions of rule 19, to sell dangerous drugs.

(2) The local excise authority may grant to any person a chemist's license permitting him to manufacture, possess and, subject to the provisions of rule 20, to sell dangerous drugs; provided that such license shall not authorise such chemist to possess a greater quantity than four ounces of medicinal opium, four ounces of morphine or one ounce of cocaine.

25. The local excise authority may grant to any licensed dealer or licensed chemist or approved practitioner a pass for the import of dangerous drugs not exceeding the quantity which such dealer or chemist or practitioner may lawfully possess.

26. (1) When a pass has been granted (a) under the rules for the time being in force in any part of British India, (b) by the local excise authority of an area to which the Law applies, or (c) by the Resident or Political Agent in any Native State to any person to bring dangerous drugs from an area to which the Law applies into such part, area, or state, such person shall present such pass to the local excise authority

of the area from which the dangerous drugs are to be brought, who shall enter therein the period for which the pass is to remain in force and the route by which and the person (if any) in whose charge the consignment is to be conveyed and the number and description of the packages, and shall countersign the pass.

(2) When a pass has been granted to any person under these rules for the import of dangerous drugs from foreign territories, such person shall present such pass to the Customs Collector at the place of import, who shall enter therein the particulars specified in sub-rule (1) and shall countersign the pass.

27. The local excise authority may grant to any licensed dealer or licensed chemist a pass for the transport of dangerous drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

28. Subject to the provisions of the law and of these rules, every license or pass under these rules shall be in such form and shall contain such particulars, and shall be granted by such officer, on payment of such fees, for such period, and subject to such conditions, as the Chief Excise Authority may direct.

29. (1) Subject to any directions that the Chief Excise Authority may give in this behalf, the officer who has granted a license to, or has by order approved or authorised any person under these rules, may cancel or suspend such license or order—

(i) if such person has—

(a) failed to pay any duty or fee payable by him,

(b) by himself or by any servant or person acting on his behalf, committed any breach of the conditions of such license or order or of these rules,

(c) been convicted of any offence under the Law, or under the law for the time being in force relating to excise revenue, or of any criminal offence;

(ii) if it is a condition of such license or order that it may be cancelled or suspended at the will of such officer;

(iii) in any other case, after giving to such person fifteen days' notice, and shall cancel such license or order within fifteen days on receiving from such person notice that he desires to surrender the same.

(2) When such license or order has been cancelled or suspended as aforesaid, such person shall forthwith make over to the local excise authority all dangerous drugs in his possession.

## VII.—DISPOSAL OF DANGEROUS DRUGS AND CONFISCATED ARTICLES.

30. The local excise authority shall cause all dangerous drugs confiscated under the Law or delivered to him under rule 29 to be examined

by the Chemical Examiner or by such other officer as the Chief Excise Authority may direct. If any such dangerous drugs are certified by such officer to be fit for use, the local excise authority may sell them to any dealer or chemist licensed under these rules or under any rules for the time being in force in any part of British India or to any person authorised by an order under rule 22 or any corresponding rules in force as aforesaid. The local excise authority may require any licensed dealer or chemist to purchase at such price as the local excise authority may direct any quantity of such dangerous drugs not exceeding such quantity as the local excise authority may determine to be ordinarily saleable by him in two months. If any such dangerous drugs are certified as aforesaid to be unfit for use, the local excise authority shall cause them to be destroyed.

31. The local excise authority shall dispose of all other things confiscated in connection with any offence relating to dangerous drugs in such manner as he may think fit.

#### VIII.—ISSUE OF SUBSIDIARY ORDERS.

32. Subject to the provisions of the Law and of these rules, the Chief Excise Authority may from time to time give such directions as he may think fit for the purpose of carrying out the provisions of the rules.

Notification No. 1216-B., dated the 22nd July, 1919, is cancelled.

[*Gazette of India*, 1922, Pt. II, p. 1789.]

#### *Disposal of things confiscated.*

No. 107-B., dated the 15th January, 1923.—In exercise of the powers conferred by section 23 of the Central India, Gwalior and Rajputana Excise Law, 1922,<sup>1</sup> and of all other powers enabling him in this behalf, the Agent to the Governor General in Central India is pleased to make the following rules applicable to the areas in Central India<sup>2</sup> [and Gwalior] to which the law applies:—

All things confiscated under the law except country spirit, country fermented liquor and intoxicating drugs shall, as soon as the period of appeal has expired without an appeal being filed, or on the order of confiscation being confirmed by the appellate court in cases in which an appeal is filed, be disposed of by public auction by such officer as shall in each case be specified by the officer ordering the confiscation, and the officer ordering the confiscation shall be responsible for the credit of the sale proceeds to Government under the head "Excise."

<sup>1</sup> Printed, *supra*, p. 623.

<sup>2</sup> Inserted by Notification No. 2414-B., dated the 15th November, 1923. *Gazette of India*, 1923, Pt. II-A, p. 105.

2. (i) Raw opium, morphine, heroin and cocaine so confiscated shall, as soon as the period of appeal has expired without an appeal being filed or on the order of confiscation being confirmed by the appellate court in cases in which an appeal is filed, be sent to the Excise Commissioner for Central India, Indore.

(ii) If in any case the quantity of raw opium confiscated is less than one seer and the opium is in his opinion unfit for use, the Excise Commissioner will cause it to be immediately destroyed. In all other cases he will forward it to the Superintendent of the Opium Factory at Ghazipur for disposal.

(iii) The Excise Commissioner will arrange for the chemical examination of confiscated morphine, heroin and cocaine and, if reported fit for use, for its disposal either by sale to a person licensed to deal in the same or by use in a Government or charitable medical institution. If in any case the confiscated morphine, heroin, or cocaine is not fit for use, the Excise Commissioner will cause it to be immediately destroyed.

3. Country spirit, country fermented liquor, and all intoxicating drugs other than raw opium, morphine, heroin and cocaine shall, as soon as the period of appeal has expired without an appeal being filed, or on the order of confiscation being confirmed by the appellate court in cases in which an appeal is filed, be destroyed in the presence of the officer ordering the confiscation or of such other officer as may be specified by him in this behalf.

4. On the receipt of an application or of his own motion, the <sup>1</sup>[Director, Rajputana and Central India Opium Contraband Department, Ajmer, in cases relating to raw opium occurring in the railway areas in Central India and Gwalior covered by the law or the Excise Commissioner for Central India in all other cases] may, within the limits of his budget allotment, grant such a reward as he may think fit to any person who has contributed to securing a conviction or confiscation under the law or who has otherwise rendered material assistance in the enforcement of the law, and may, for the purpose of determining what reward should be so granted, call for and examine the record of any case tried or investigated under the law. Officers of Government, other than gazetted officers, are eligible for rewards.

[*Gazette of India*, 1923, Pt. II, p. 111.]

*Officers empowered (1) to investigate offences (2) to inspect premises and search without warrant.*

*No. 1334-B., dated the 31st August, 1928.*—In exercise of the powers conferred upon him in respect of the areas in Central India and Gwalior by section 23 (d) of the Central India, Gwalior and Rajputana Excise

<sup>1</sup> Substituted by Notification No. 756-B., dated the 9th April, 1927. *Gazette of India*, 1927, Pt. II-A, p. 193.

Law, 1922,<sup>1</sup> the Agent to the Governor General in Central India is pleased to invest—

- (1) all officers of the Excise Department including officers of the Rajputana and Central India Opium Contraband Department, not below the rank of Sub-Inspector of five years standing, with powers under section 17-A of the said Law.
- (2) all officers of the Oetroi and Excise Departments, other than officers of the Rajputana and Central India Opium Contraband Department, drawing monthly salaries of Rs. 20 or more and all officers of the Rajputana and Central India Opium Contraband Department not below the rank of Jamadar with powers under sections 15 and 17 of the said Law.

2. Notifications No. 162-B., dated the 20th January, 1923 and No. 128-B., dated the 15th January, 1927 are hereby cancelled.

[*Gazette of India*, 1928, Pt. II-A, p. 286.]

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<sup>1</sup> Printed, *supra*, p. 628.

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## CIVIL LINES OF NOWGONG.

The following British Enactments are in force in the Civil Lines of Nowgong :—

- |   |   |
|---|---|
| I.—Statutes.  | } <i>See supra</i> , pages<br>19 to 37. |
| II.—Acts of the Governor General in<br>Council and of the Indian Legislature.                 |   |
| III.—Orders under Statutes.   |   |
| IV.—Orders under Acts of the Governor<br>General in Council and of the Indian<br>Legislature. |   |
| V.—Acts locally applied.  |   |
| VI.—Local Laws.—See <i>infra</i> , page 676.  |   |
| VII.—Orders relating to Courts.—See <i>infra</i> , pages 677 to 678.                          |   |
| VIII.—Orders under Acts locally applied. See <i>infra</i> , pages 679<br>to 682.              |   |
| IX.—Orders under Local Laws.—See <i>infra</i> , pages 683 to 685.                             |   |



**VI.—Local Laws.**

*Publication of newspapers and other printed works.*

*No. 2651-I., dated the 25th June, 1891.—Printed in Appendix XVII.*

*Provision for execution of capital sentences in British India.*

*No. 1431-I., dated the 27th April, 1893.—Printed in Appendix XIX.*

*Central India (Administered Areas) Excise Law, 1917.*

*No. 235-I.B., dated the 22nd January, 1918.—Printed supra, page 40.*

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**VII.—Orders relating to Courts.**

*Provision for execution of capital sentences in British India.*

*No. 1431-I., dated the 27th April, 1893.—Printed in Appendix XIX.*

*Criminal law and procedure of British India applicable to British subjects in Indian States.*

*No. 1863-I. A., dated the 13th May, 1904.—Printed in Appendix IV.*

*High Court at Allahabad to exercise jurisdiction over European British subjects.*

*No. 580-D., dated the 26th January, 1917.—Printed in Appendix IV.*

*Justices of the Peace to commit for trial to the High Court having jurisdiction.*

*No. 582-D., dated the 26th January, 1917.—Printed in Appendix IV.*

*Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.*

*No. 319-D., dated the 16th January, 1917.—Printed in Appendix IV.*

*Appointment of Justices of the Peace.*

<i>No. 2313-I., dated the 13th August, 1883.</i>	} Printed <i>supra</i> , page
<i>No. 2760-I., dated the 18th September, 1883</i>	

13.

*Criminal Courts, High Court.*

*No. 2381-I. B., dated the 16th November, 1912.—Printed *supra*, page 68.*

*Court of Session and District Magistrate.*

*No. 1628-B., dated the 16th November, 1912.—Printed *supra*, page 68.*

*Officers to whom notice of appeal is to be given.*

*No. 222-B., dated the 4th February, 1928.—Printed *supra*, page 70.*

*Central India (Administered Areas) Legal Practitioners Rules, 1923.*

*No. 1015—1052-I., dated the 25th June, 1923.—Printed *supra*, page 55.*

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*Mode of Whipping.*

*No. 220-B., dated the 10th February, 1919.—Printed supra, page 72.*

*Payment of expenses of complainants and witnesses in Criminal Courts.*

*No. 913-B., dated the 4th May, 1928.—Printed supra, page 72.*

*Civil Courts.*

*No. 2402-I. B., dated the 1st November, 1916.—Printed supra, page 75.*

*Court of Munsiff, Nowgong.*

*No. 305-I., dated the 11th June, 1924.—Printed supra, page 76.*

*'Appointment of Judge of Small Cause Court, Nowgong.*

*No. 846-B., dated the 12th May, 1924.—Printed supra, page 77.*

*Maintenance and custody of live stock under attachment by Civil Court.*

*No. 450-B., dated the 14th March, 1907.—Printed supra, page 77.*

*Service of summonses and execution of decrees.*

*See the notification cited supra, pages 641 and 642.*





**VIII.—Orders under Acts locally applied.**

**COURT FEES ACT, 1870.**

*Fees for serving and executing processes.*

No. 1612-B., dated the 1st August, 1923.—Printed *supra*, page 81.

*Reduction and remission of fees.*

No. 1584-G., dated the 23rd August, 1911.—Printed *supra*, page 84.

**CATTLE TRESPASS ACT, 1871.**

*Delegation of functions of District Magistrate to Nowgong Cantonment Authority, Credit of surplus fees to Cantonment Fund.*

No. 1022-B., dated the 11th August, 1909.—Printed *supra*, page 86.

**INDIAN ARMS ACT, 1878.**

*Central India (Administered Areas) Arms Rules, 1921.*

No. 2070-G., dated the 27th December, 1921.—Printed *supra*, page 86.

**VACCINATION ACT, 1880.**

*Rules.*

No. 1016, dated the 6th February, 1904.—Printed *supra*, page 126.

**NEGOTIABLE INSTRUMENTS ACT, 1881.**

*Appointment of Notaries Public.*

No. 803-B., dated the 18th June, 1915.—Printed *supra*, page 133.

**POLICE ACT, 1888.**

*Creation of general police district, enrolment of police, etc.*

No. 875-I.B., dated the 15th March, 1921.—Printed *supra*, page 134.

**PREVENTION OF CRUELTY TO ANIMALS ACT, 1890.**

*Extension of whole Act and suspension of section 34, 2nd clause of Act V of 1861.*

No. 8512, dated the 7th August, 1900.—Printed, *supra*, page 134.



PRISONS ACT, 1894.

*Appointment of Inspector General of Prisons.*

No. 976-B., dated the 28th July, 1916.—Printed *supra*, page 135.

*Rule for the punishment of officers.*

No. 259-B., dated the 9th February, 1928.—Printed *supra*, page 135.

*Application of Act and Rules to subsidiary Jails at Neemuch and Sehore.*

No. 899-B., dated the 18th July, 1916.—Printed *supra*, page 136.

CODE OF CRIMINAL PROCEDURE, 1898.

See "Orders relating to Courts" *supra*, pages 677 and 678.

*Rules regarding notification of residence by released convicts.*

No. 3174-B., dated the 16th October, 1928.—Printed *supra*, page 141.

INDIAN STAMP ACT, 1899.

*Appointment of Collector.*

No. 865-B., dated the 12th May, 1924.—Printed *supra*, page 143.

*Reduction and remission of duties.*

No. 2567-I. B., dated the 30th December, 1910.—Printed *supra*, page 144.

*Application of the Indian Stamp Rules, 1925.*

No. 42-I., dated the 13th January, 1926.—Printed *supra*, page 148.

PRISONERS ACT, 1900.

*Appointment of Central India Agency Jail for reception of persons sentenced to transportation.*

No. 1056-I.B., dated the 8th June, 1915.—Printed *supra*, page 149.

INDIAN REGISTRATION ACT, 1908.

*Formation of districts, etc.*

No. 487-B., dated the 17th March, 1913.—Printed *supra*, page 157.

*Rules for the remuneration of Registering Officers.*

No. 1281-B., dated the 3rd September, 1918.—Printed *supra*, page 158.

*Registration Rules.*

No. 488-B., dated the 17th March, 1913.—Printed *supra*, page 159.

*Fees.*

No. 514-B., dated the 24th March, 1913.—Printed *supra*, page 180.

INDIAN ELECTRICITY ACT, 1910.

*Rules.*

No. 879-I. B., dated the 24th May, 1917.—Not re-printed.

[*Gazette of India*, 1917, Pt. I. p. 944.]

INDIAN LUNACY ACT, 1912.

*Areas in which reception orders may be made.*

No. 1875-B., dated the 30th September, 1913.—Printed *supra*, page 184.

*Courts to send lunatics to asylum at Nagpur.*

No. 2190-I.B., dated the 18th July, 1918.—Printed *supra*, page 184.

WILD BIRDS AND ANIMALS PROTECTION ACT, 1912.

*Close time.*

No. 403-B., dated the 5th March, 1913.—Printed *supra*, page 185.

CINEMATOGRAPH ACT, 1918.

*Rules.*

No. 1406-B., dated the 26th July, 1921.—Printed *supra*, page 185.

INDIAN INCOME-TAX ACT, 1922.

*Appointment of Commissioner of Income-tax.*

No. 2321—644-Int., dated the 15th November, 1922.—Printed *supra*, page 195.

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locally applied.)

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INDIAN PAPER CURRENCY ACT, 1923.

*Currency notes, other than universal notes, which are legal tender.*

*No. 311-I. B., dated the 3rd February 1921.—Printed supra,  
page 202.*

PROVIDENT FUNDS ACT, 1925.

*Application of the Act to Provident Funds of Local Authorities.*

*No. 468-B., dated the 16th February, 1929.—Printed supra, page 368.*

INDIAN SUCCESSION ACT, 1925.

*Appointment of office for deposit of declaration.*

*No. 2343-B., dated the 6th November, 1923.—Printed supra,  
page 368.*





**IX.—Orders under Local Laws.**

CENTRAL INDIA (ADMINISTERED AREAS) EXCISE LAW, 1917.<sup>1</sup>

*Appointment of Local Excise Authority.*

No. 1131-B., dated the 6th June, 1924.—Printed *supra*, page 371.

*Definition of "Country Spirit" and "Foreign Spirit."*

No. 532-B., dated the 22nd March, 1921.—Printed *supra*, page 372.

(a) *Duty on the removal from the Nowgong distillery of foreign spirit and of plain spirit for use in the manufacture of foreign spirit.*

(b) *Duty on the removal of country spirit from Nowgong distillery and on its import into Nowgong.*

No. 911-C., dated the 19th April, 1922.—Printed *supra*, page 372.

*Prohibition of import, transport, etc., of opium and its preparations by post.*

No. 1784-C., dated the 14th October, 1919.—Printed *supra*, page 373.

*Prohibition of dealings in morphia and cocaine drugs save as permitted by rules.*

No. 553-B., dated the 14th April, 1919.—Printed *supra*, page 374.

*Import and transport duties on charas, ganja, bhang and opium in Nowgong.*

No. 4178-C., dated the 31st August, 1925.—Printed *supra*, page 384.

*Issue of passes by officers in charge of bonded warehouses established under section 17 (a).*

No. 1399-B., dated the 20th August, 1919.—Printed *supra*, page 385.

*Establishment of bonded warehouses for country spirit, opium and hemp drugs and payment of duty on the removal of spirit and drugs from the same.*

No. 1400-B., dated the 20th August, 1919.—Printed *supra*, page 387.

*Warehouse dues on bhang.*

No. 1943-C., dated the 5th November, 1919.—Printed *supra*, page 388.

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<sup>1</sup> Printed, *supra*, p. 42.

*Powers of Excise Officers.*

No. 1401-B., dated the 20th August, 1919.—Printed *supra*, page 389.

*Rules for the conduct of business at Nowgong distillery.*

No. 1728-C., dated the 2nd October, 1917.—Printed *supra*, page 389.

*Rules for the preparation of foreign liquor at the Nowgong distillery.*

No. 961-C., dated the 28th April, 1920.—Printed *supra*, page 400.

*Rules for the management of bonded warehouses for the storage of country spirit.*

No. 1944-C., dated the 5th November, 1919.—Printed *supra*, page 402.

*Officers appointed to receive price of and duty on country spirit removed from Nowgong warehouse.*

No. 1945-C., dated the 5th November, 1919.—Printed *supra*, page 415.

*Rules for the management of bonded warehouses for the storage of hemp drugs.*

No. 1946-C., dated the 5th November, 1919.—Printed *supra*, page 416.

*Rules regulating supply of opium for consumption in Nowgong.*

No. 1947-C., dated the 5th November, 1919.—Printed *supra*, page 431.

*Price payable for opium at the warehouse at Nowgong.*

No. 1091-C., dated the 27th June, 1919.—Printed *supra*, page 436.

*Licenses for the wholesale and retail sale of foreign spirits and fermented liquor.*

<sup>1</sup>No. 2241-C., dated the 10th December, 1919.—Not re-printed.

[*Gazette of India*, 1919, Pt. II, p. 2183.]

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<sup>1</sup> Amended by Notification No. 3712-B., dated the 12th December, 1923. *Gazette of India*, 1923, Pt. II-A, p. 400.

- (a) *Licenses for the retail sale of country spirit, opium and hemp drugs.*  
 (b) *Farms of country fermented liquor.* (c) *License for the whole-sale supply and sale of country spirit.*

<sup>1</sup>No. 2242-C., dated the 10th December, 1919.—Not re-printed.

[*Gazette of India*, 1919, Pt. II, p. 2191.]

*Form of license for Nowgong distillery.*

No. 2243-C., dated the 10th December, 1919.—Printed *supra*, page 436.

*Rules regulating the import, possession and vend of denatured spirit.*

<sup>2</sup>No. 1137-C., dated the 31st May, 1926.—Not re-printed.

[*Gazette of India*, 1926, Pt. II-A, p. 221.]

*Rules regulating dealings in morphia and cocaine drugs.*

No. 553-B., dated the 14th April, 1919.—Printed *supra*, page 374.

*Disposal of confiscated articles.*

No. 416-B., dated the 25th February, 1920.—Printed *supra*, page 441.

*Exemption from duty of denatured spirit removed from the Nowgong distillery.*

No. 1789-C., dated the 14th October, 1919.—Printed *supra*, page 442.

*Exemption of opium and hemp drugs in transit to States in Central India*

No. 2278-C., dated the 14th September, 1921.—Printed *supra*, page 443.

*Exemption*—(a) of certain preparations containing morphia, opium not being morphia and cocaine drugs, (b) of intoxicating drugs imported, exported, etc., on behalf of Government by officers in charge of certain institutions, (c) of the possession of such drugs dispensed from such institutions.

No. 297-C., dated the 29th January, 1923.—Printed *supra*, page 443.

<sup>1</sup> Amended by Notification No. 3767-C., dated the 20th May, 1924. *Gazette of India*, 1924, Pt. II-A, p. 197.

<sup>2</sup> Amended by Notification No. 246-B., dated the 9th February, 1928. *Gazette of India*, 1928, Pt. II-A, p. 50.









## SUTNA AGENCY AREA.

The following British enactments are in force in the Sutna Agency Area :—

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|---|---|
| I.—Statutes.  | } <i>See supra</i> , pages<br>19 to 37. |
| II.—Acts of the Governor General in Council and of the Indian Legislature.              |   |
| III.—Orders under Statutes.   |   |
| IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature. |   |
| V.—Acts locally applied.  |   |
| VI.—Local Laws.—See <i>infra</i> , page 688.  |   |
| VII.—Orders relating to Courts.—See <i>infra</i> , page 689.                            |   |
| VIII.—Orders under Acts locally applied.—See <i>infra</i> , pages 691 to 692.           |   |
| IX.—Orders under Local Laws.—See <i>infra</i> , pages 693 to 694.                       |   |

**VI.—Local Laws.**

*Publication of newspapers and other printed works.*

*No. 2651-I., dated the 25th June, 1891.—Printed in Appendix XVII.*

*Provision for execution of capital sentences in British India.*

*No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIX.*

*Central India Gwalior and Rajputana Excise Law, 1922.*

*No. 1720-635-Inil., dated the 14th August, 1922.—Printed *supra*, page 628.*





## VII.—Orders relating to Courts.

*Provision for execution of capital sentences in British India.*

No. 1431-I., dated the 27th April, 1893.—Printed in Appendix XIX.

*Criminal law and procedure of British India applicable to British subjects in Native States.*

No. 1863-I. A., dated the 13th May, 1904.—Printed in Appendix IV.

*High Court at Allahābad to exercise jurisdiction over European British subjects at Sutna.*

No. 580-D., dated the 26th January, 1917.—Printed in Appendix IV.

*Justices of the Peace to commit to the High Court having jurisdiction.*

No. 582-D., dated the 26th January, 1917.—Printed in Appendix IV.

*Justices of the Peace invested with powers of Magistrates of the 1st class and to hold inquests.*

No. 319-D., dated the 16th January, 1917.—Printed in Appendix IV.

*Appointment of Political Officers to be Justices of the Peace.*

No. 2313-I., dated the 13th August, 1883. } Printed *supra*, page  
No. 2760-I., dated the 18th September, 1883. } 13.

*Constitution of Criminal Courts.*

No. 2381-I. B., } dated the 16th November, 1912.—Printed *supra*,  
No. 1628-B., } page 68.

*Central India (Administered Areas) Legal Practitioners Rules, 1923.*

No. 1015—1052-I., dated the 25th June, 1923.—Printed *supra*, page 55.

*Mode of Whipping.*

No. 220-B., dated the 10th February, 1919.—Printed *supra*, page 72.

*Payment of expenses of complainants and witnesses in Criminal Courts.*

No. 913-B., dated the 4th May, 1928.—Printed *supra*, page 72.









**VIII.—Orders under Acts locally applied.**

**INDIAN ARMS ACT, 1878.**

*Central India (Administered Areas) Arms Rules, 1921.*

No. 2070-G., dated the 27th December, 1921.—Printed *supra*, page 86.

**POLICE ACT, 1888.**

*Creation of a general Police District, etc.*

No. 875-I.B., dated the 15th March, 1921.—Printed *supra*, page 134.

**PRISONS ACT, 1894.**

*Appointment of Inspector General of Prisons.*

No. 976-B., dated the 28th July, 1916.—Printed *supra*, page 135.

*Rule for the punishment of prison officials.*

No. 259-B., dated the 9th February, 1928.—Printed *supra*, page 135.

*Application of Act and Rules to subsidiary Jails at Neemuch and Sehore.*

No. 899-B., dated the 18th July, 1916.—Printed *supra*, page 136.

**CODE OF CRIMINAL PROCEDURE, 1898.**

See "Orders relating to Courts." *supra*, page 689.

*Rules regarding notification of residence by released convicts.*

No. 3174-B., dated the 16th October, 1928.—Printed *supra*, page 141.

**PRISONERS ACT, 1900.**

*Appointment of Central India Agency Jail for reception of persons sentenced to transportation.*

No. 1056-I.B., dated the 8th June 1916.—Printed, *supra*, page 149.

**INDIAN ELECTRICITY ACT, 1910.**

*Rules.*

No. 879-I.B., dated the 24th May, 1917.—Not re-printed.

[*Gazette of India*, 1917, Pt. I, p. 944.]

INDIAN LUNACY ACT, 1912.

*Areas in which reception orders may be made.*

No. 1875-B., dated the 30th September, 1913.—Printed *supra*, page 184.

*Courts to send lunatics to asylum at Nagpur.*

No. 2190-I.B., dated the 18th July, 1918.—Printed *supra*, page 184.

CINEMATOGRAPE ACT, 1918.

*Rules.*

No. 1406-B., dated the 26th July, 1921.—Printed *supra*, page 185.

INDIAN INCOME-TAX ACT, 1922.

*Appointment of Commissioner of Income-tax.*

No. 2321-644-Int., dated the 15th November, 1922.—Printed *supra*, page 195.

INDIAN PAPER CURRENCY ACT, 1923.

*Currency notes, other than universal notes, which are legal tender.*

No. 311-I.B., dated the 3rd February, 1921.—Printed *supra*, page 202.

PROVIDENT FUNDS ACT, 1925.

*Application of the Act to Provident Funds of Local Authorities.*

No. 468-B., dated the 16th February, 1929.—Printed *supra*, page 368.

INDIAN SUCCESSION ACT, 1925.

*Appointment of office for deposit of declaration.*

No. 2343-B., dated the 6th November, 1923.—Printed *supra*, page 368

## IX.—Orders under Local Laws.

CENTRAL INDIA, GWALIOR AND RAJPUTANA EXCISE LAW, 1922.

*Rules to regulate dealings in opium, hemp drugs, country spirit and country fermented liquor in the Sutna Agency Area.*

No. 2575-B., dated the 1st December, 1924.—In exercise of the powers conferred by sections 5 and 23 of the Central India, Gwalior and Rajputana Excise Law, 1922\* (hereinafter referred to as "the Law"), the Agent to the Governor General in Central India is pleased to make the following rules for the regulation in the Sutna Agency Area of the matters hereinafter mentioned:—

*Rules.*

1. Any person entering or leaving the Sutna Agency Area may import or export, as the case may be, in his personal possession and for his personal or domestic use but not for sale, the articles hereinafter mentioned lawfully in his possession, in quantities not exceeding at one time those hereinafter specified, *vis.*:—

Raw opium and admixtures of opium, in the aggregate . . . . .	3 tolas.
Prepared opium . . . . .	$\frac{1}{2}$ tola.
Charas and preparations and admixtures thereof in the aggregate . . . . .	5 $\frac{1}{2}$ tolas.
Ganja and preparations and admixtures thereof in the aggregate . . . . .	5 tolas.
Bhang and preparations and admixtures thereof in the aggregate . . . . .	20 tolas.
Country spirit . . . . .	1 seer.
Country fermented liquor . . . . .	4 $\frac{1}{2}$ seers.

2. Any person may import and export any quantity of country spirit, country fermented liquor, raw opium, admixtures of opium or hemp drugs lawfully in transit through the Sutna Agency Area in his charge in accordance with the conditions under which the import, transport and export of the same are permitted by proviso (1) of section 6 of the Law and with the conditions of the pass mentioned therein.

3. Any person may possess and transport in the Sutna Agency Area the articles mentioned in rule 1, in quantities not exceeding at one time those specified therein. Provided that the same shall have been—

(a) in the case of raw opium, charas, ganja, bhang, country spirit and country fermented liquor, lawfully imported under rule 1;

(b) in the case of admixtures of opium, prepared opium, and preparations and admixtures of charas, ganja and bhang, lawfully imported under rule 1, or lawfully manufactured from raw opium, charas, ganja or bhang lawfully imported under rule 1. Provided also that no assemblage of two or more persons shall possess collectively more than 1 tola in the aggregate of prepared opium.

4. Any person may possess and transport in direct transit through the Sutna Agency Area any quantity of country spirit, country fermented liquor, raw opium, admixtures of opium or hemp drugs in accordance with the conditions under which the import, transport and export of the same are permitted by proviso (1) of section 6 of the Law and with the conditions of the pass mentioned therein.

5. In the Sutna Agency Area any person may manufacture, for private consumption and not for sale, from raw opium, charas, ganja or bhang lawfully in his possession under rule 3, admixtures of opium, prepared opium, and preparations and admixtures of charas, ganja or bhang.

[*Gazette of India*, 1924, Pt. II-A, page 412.]

*Rules regulating the import, possession and vend of denatured spirit.*

No. 1138-C., dated the 31st May, 1926.—Not re-printed.

[*Gazette of India*, 1926, Pt. II-A, p. 224.]

*Exemption of (a) certain preparations, (b) the possession and transport of drugs in certain cases.*

No. 298-C., dated the 29th January, 1923.—Printed *supra*, page 647.

*Central India Morphine and Cocaine Rules, 1922.*

No. 2394-B., dated the 12th December, 1922.—Printed *supra*, page 665.

*Disposal of things confiscated.*

No. 107-B., dated the 15th January, 1923.—Printed *supra*, page 672.

*Officers empowered—(1) to investigate offences, (2) to inspect premises and search without warrant.*

No. 1834-B., dated the 31st August, 1928.—Printed *supra*, page 678.